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SMITHSONIAN

MISCELLANEOUS COLLECTIONS.

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VOL. XLII.

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"EVERY MAN IS A VALUABLE MEMBER OF SOCIETY WHO BY HIS OBSERVATIONS, RESEARCHES,  
AND EXPERIMENTS PROCURES KNOWLEDGE FOR MEN."—SMITHSON

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WASHINGTON CITY:  
PUBLISHED BY THE SMITHSONIAN INSTITUTION.  
1901.



## ADVERTISEMENT.

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The present series, entitled "Smithsonian Miscellaneous Collections," is intended to embrace all the publications issued directly by the Smithsonian Institution in octavo form; those in quarto constituting the "Smithsonian Contributions to Knowledge." The quarto series includes memoirs, embracing the records of extended original investigations and researches, resulting in what are believed to be new truths, and constituting positive additions to the sum of human knowledge. The octavo series is designed to contain reports on the present state of our knowledge of particular branches of science; instructions for collecting and digesting facts and materials for research; lists and synopses of species of the organic and inorganic world; museum catalogues; reports of explorations; aids to bibliographical investigations, etc., generally prepared at the express request of the Institution, and at its expense.

In the Smithsonian Contributions to Knowledge, as well as in the present series, each article is separately paged and indexed, and the actual date of its publication is that given on its special title-page, and not that of the volume in which it is placed. In many cases works have been published and largely distributed, years before their combination into volumes.

S. P. LANGLEY,

*Secretary S. I.*



THE  
SMITHSONIAN INSTITUTION

DOCUMENTS RELATIVE TO ITS ORIGIN  
AND HISTORY.

---

1835-1899.

---

COMPILED AND EDITED BY  
WILLIAM JONES RHEES.

---

IN TWO VOLUMES.

Vol. I—1835-1887.

TWENTY-FOURTH CONGRESS TO FORTY-NINTH CONGRESS.



WASHINGTON:  
GOVERNMENT PRINTING OFFICE.  
1901.

*Resolved by the Senate (the House of Representatives concurring),*  
there be printed of "The Smithsonian Institution: Documents  
relative to its Origin and History," 7,000 copies, of which 1,500 c  
shall be for the use of the Senate, 3,000 copies for the use o  
House of Representatives, and 2,500 copies for the use of the Si  
sonian Institution.

Passed the Senate April 26, 1900.

Passed the House May 11, 1900.

(Stat., XXXI, concurrent resolutions, p. 10.)

## ADVERTISEMENT.

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The Smithsonian Institution is an establishment based upon the private foundation of James Smithson, a British subject, which was accepted by the United States in trust. This establishment was created by an act of Congress, under which act, with one or two unimportant modifications, it has since been governed. The United States Government has, from time to time, assigned to it important functions, and Congress has passed laws and made appropriations in support of these. While, therefore, it is a private foundation, of which the Government is trustee, it has in itself an extensive legislative history.

The Board of Regents in January, 1878, requested the Secretary to prepare and publish a history of the origin and progress of the institution, and, in accordance with this, a volume was published in 1879 under the title "The Smithsonian Institution: Documents Relative to its Origin and History," in which were contained the will of James Smithson, the proceedings in Congress relative to the acceptance of the bequest, the organization of the Institution, and various matters relative to its operations from 1835 to 1877.

A second volume relating to the history of the Institution was published in 1879, under the title "The Smithsonian Institution: Journals of the Board of Regents, Reports of Committees, Statistics, etc.," edited by William J. Rhees.

At the conclusion of the first half century of the Institution, in 1896, a volume was published under the editorial supervision of the late Dr. G. Brown Goode, giving an account of the history, achievements, and present condition of the Institution, prepared by the Secretary and members of the staff of the Institution, to which were added chapters in appreciation of the work of the Institution in the several branches of knowledge.

The present volume has been undertaken to bring down to date the first historical volume mentioned, namely, the relations of the Institution to Congress, debates on its management, appropriations necessary for operations intrusted to its care, etc., which can be found only in the volumes of the Congressional Globe and Congressional Record, the journals of the Senate and House, and the Statutes at Large.

The compilation and editing of the present work has been performed under my direction by Mr. William J. Rhees, the keeper of archives, and for many years chief clerk of the Institution.

S. P. LANGLEY,  
*Secretary, Smithsonian Institution.*



## PREFACE.

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The present volume is undertaken in continuation of a volume bearing the title "The Smithsonian Institution: Documents Relative to its Origin and History," prepared by the editor of the present volume, which, besides other matters, gives the legislative history of the Smithsonian Institution to 1877. Prefixed to this will be found a selection of the documents which passed between the United States and the attorneys in England, antecedent to the actual reception of the bequest of James Smithson, a British subject, who gave his fortune to the United States of America "to found at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men."

This fact was communicated through the United States legation at London to the Secretary of State, and was made the subject of a special message to Congress by President Tyler on December 17, 1835. The message was referred to committees, and it was at last agreed that, although there was some doubt as to the propriety of accepting it, the bequest should be obtained, if possible, and the Honorable Richard Rush was sent to England in July, 1836, as a special agent of the United States, with power of attorney from the President to prosecute the claim in the chancery court. The fund was brought to this country in 1838, and after eight years of debate, including consultation with all the leading educators of the United States at that time, a law was finally framed on August 10, 1846, "to establish the Smithsonian Institution for the increase and diffusion of knowledge among men." Under this act, with a few amendments, the operations of the Institution have been carried on to the present time, and a detailed account of the legislation by Congress, as well as of proposed action, from 1835 to March 3, 1899, is given in this work. The legislation fully accomplished is shown by acts and joint resolutions, followed in all cases by references to the volumes and pages of the Statutes at Large from which they were quoted.

Concurrent resolutions of the Senate and House and separate resolutions of either branch of Congress are referred to by the dates of action.

An account is also given of action or discussion relative to objects intrusted by Congress to the care of the Institution, and of some of

the operations of the Government with which it has had direct or incidental connection.

The proceedings of each Congress are given successively, the first volume containing those of the Twenty-fourth Congress to the Forty-ninth and the second volume those of the Fiftieth to the Fifty-fifth Congress.

Under each Congress the subjects are arranged according to the date of their introduction, all action in that Congress on each subject following in chronological order, excepting that estimates and appropriations are placed at the end of each subject.

In the preparation of this work an examination was made of every page of the Congressional Globe and Congressional Record, of the journals of the Senate and House, the Statutes at Large, the Congressional documents and reports from 1835 to 1899, together with other printed and manuscript material in the Institution and elsewhere; and the table of contents and index are as comprehensive and minute as possible the latter being alphabetical, analytical, and chronological.

The formal details of legislation in most cases are abbreviated, and the quotations from the statutes giving dates and amounts appropriated are always given in figures and not in words.

Thanks are due to the intelligent and efficient aid of Miss Helen Munroe and Mr. Edward L. Springer, of the Smithsonian Institution.

WILLIAM J. RHEES.

WASHINGTON, D. C., *May, 1901.*

# CONTENTS OF VOLUMES I AND II.

## VOLUME I.

	Page.
Resolution to print .....	II
Advertisement .....	III
Preface .....	V
Contents .....	VII
Act of organization of the Institution and amendments, etc. to March 3, 1899..	XXI
Acts and joint resolutions of Congress referred to in this work .....	XXVII

## PART I.

Will of James Smithson (made October 23, 1826; proved June 27, 1829) .....	5
Correspondence between attorneys in England, the Department of State, Richard Rush, etc., relative to the bequest of Smithson (July 21, 1835– December 3, 1838) .....	7-111
The case of the United States Government against the English Government in the court of chancery to obtain the bequest .....	13
Opinion of the English counsel .....	14
Decree in chancery awarding Smithson's bequest to the United States, May 12, 1838 .....	56
Account of costs of the suit .....	70
Account of expenses of Richard Rush .....	98
Schedule of the personal effects of Smithson .....	98
Smithson bequest paid into the Treasury of the United States .....	109
Residuary bequest of Smithson (May 16, 1861–February 22, 1867) .....	112
Increase of the Smithson fund:	
Hamilton fund (February 24, 1874) .....	120
Habel fund (March 15, 1880) .....	120
Hodgkins fund (October 22, 1891–May 19, 1894) .....	120
Other bequests and gifts to the Institution:	
Avery fund (1894) .....	121
Kidder bequest (1889) .....	121
Bell gift (1891) .....	121

## PART II.

Legislation relative to the establishment of the Smithsonian Institution, 1835– 1847 .....	123
Twenty-fourth Congress, 1835–1837:	
Message of President Jackson, December 17, 1835 .....	125
Report of Senate Committee on the Judiciary (Leigh) .....	135
Report of House select committee (Adams) .....	130
Debates on acceptance of the bequest .....	136
Act to authorize and enable the President to prosecute the claim for the Smithson bequest .....	142

<b>Twenty-fifth Congress, 1837-1839:</b>	<b>Page.</b>
Bequest considered .....	143
Message of President Van Buren, December 6, 1838.....	145
Memorial of Prof. Walter R. Johnson.....	146
Memorial of Charles Lewis Fleischmann.....	155
Speeches on application of the bequest.....	163, 173
Bill for disposition of the bequest (Robbins).....	171
Debate on establishment of the Smithsonian Institution .....	173
<b>Twenty-sixth Congress, 1839-1841:</b>	
Bill offered for disposition of the bequest (Adams).....	184
Estimates of cost of an astronomical observatory.....	206
Statement of investment of Smithson bequest in State stocks .....	215
Bill for disposition of the bequest (Linn) .....	215
Incorporation of the National Institution.....	217
Bill to establish the Smithsonian Institution (Preston) .....	219
Care of Government collections.....	219
International exchanges .....	220
<b>Twenty-seventh Congress, 1841-1843:</b>	
Repeal of act to invest Smithson fund in State stocks .....	220
Message of President Tyler, December 7, 1841 .....	225
Report of House select committee (Adams) .....	226
Copies of State bonds procured from Smithson fund .....	229
Statement of stocks in which the fund was invested.....	235
Bill to establish the Smithsonian Institution (Adams) .....	235
United States exploring expedition.....	239
<b>Twenty-eighth Congress, 1843-1845:</b>	
Message of President Tyler, December 5, 1843 .....	241
Condition of the Smithson fund, January, 1844.....	243
Bonds and stocks purchased from Smithsonian Institution .....	245
Interest on stocks .....	246
Correspondence relative to purchase of stocks .....	250
Bill to establish the Institution (Tappan) .....	266
Report from House select committee (Adams).....	268
Bill to establish the Institution (Adams).....	273
Bill to establish the Institution (Tappan) .....	276
Debate on bills to establish the Institution .....	280
Exploring expedition.....	320
<b>Twenty-ninth Congress, 1845-1847:</b>	
Bill to establish the Institution (Owen).....	321
Debate in House on establishment of Institution.....	333
Bill to establish the Institution (Morse) .....	388
Bill to establish the Institution (Hough), passed .....	423
Act to establish the Institution, approved August 10, 1846.....	429
International exchanges .....	434
Exploring expedition.....	435
Catlin Indian gallery .....	435
Appointment of Regents .....	436
Purchase of city hall for Smithsonian Institution (proposed) .....	438
Report of the Smithsonian Institution .....	439

## PART III.

<b>Legislation relative to the Institution and its dependencies, 1847-1899.....</b>	<b>441</b>
<b>Thirtieth Congress, 1847-1849:</b>	
Committee on the Smithsonian Institution .....	443

# CONTENTS.

IX

	Page.
Thirtieth Congress, 1847-1849—Continued.	
Appointment of Regents .....	463
Report of the Smithsonian Institution .....	464
Amendment to act of organization .....	466
International exchanges .....	466
Exploring expedition .....	467
Thirty-first Congress, 1849-1851:	
Exploring expedition .....	468
Care of Government collections .....	470
Report of the Smithsonian Institution .....	477
International exchanges .....	480
Increase of Smithson fund .....	481
Appointment of Regents .....	482, 1838
Thirty-second Congress, 1851-1853:	
Appropriations for Smithsonian grounds .....	484
Increase of Smithson fund .....	484
Free postage .....	485
Report of the Smithsonian Institution .....	485
Appointment of Regents .....	486
Documents .....	487
Exploring expedition .....	487
International exchanges .....	487
Meteorology, James P. Espy .....	487
Thirty-third Congress, 1853-1855:	
Smithson fund .....	488
Free postage .....	500
Appointment of Regents .....	502
Documents .....	503
International exchanges .....	503
Care of Government collections .....	503
Report of the Smithsonian Institution .....	505
Meteorology, James P. Espy .....	507
Exploring expedition .....	511
Resignation of Rufus Choate as Regent .....	511
Policy of the Institution .....	511
Investigation .....	511
Armory Building .....	599
Thirty-fourth Congress, 1855-1857:	
Operations of the Smithsonian Institution .....	599
Report of the Smithsonian Institution .....	600
Appointment of Regents .....	601
International exchanges .....	603
Exploring expedition .....	603
Care of Government collections .....	603
Meteorology, James P. Espy .....	603
Thirty-fifth Congress, 1857-1859:	
Appointment of Regents .....	604
Report of the Smithsonian Institution .....	604
Care of Government collections .....	607
Meteorology, James P. Espy .....	608
Exploring expedition .....	608
Act of organization amended. Copyrights .....	608
Thirty-sixth Congress, 1859-1861:	
Appointment of Regents .....	609

	Page.
<b>Thirty-sixth Congress, 1859-1861—Continued.</b>	
Report of the Smithsonian Institution .....	610
Free use of telegraph by the Smithsonian Institution .....	610
Care of Government collections .....	611
Exploring expedition.....	627
<b>Thirty-seventh Congress, 1861-1863:</b>	
Appointment of Regents .....	627
Care of Government collections.....	633
Exploring expedition.....	637
Report of the Smithsonian Institution .....	637
Expositions, London.....	1838
<b>Thirty-eighth Congress, 1863-1865:</b>	
Report of the Smithsonian Institution .....	638
Care of Government collections.....	639
Amendment to act of organization of Smithsonian Institution.....	639
Fire at Smithsonian Institution.....	641
Interest on Smithson fund .....	645
Appointment of Regents .....	657
<b>Thirty-ninth Congress, 1865-1867:</b>	
Paris Exposition .....	658
Transfer of Smithsonian library .....	660
Care of Government collections .....	662
Report of the Smithsonian Institution .....	663
Exploring expedition.....	664
Amendment to act of organization of Smithsonian Institution .....	664
International exchanges .....	666
Appointment of Regents .....	667, 1838
<b>Fortieth Congress, 1867-1869:</b>	
Expositions, Paris .....	667
Havre .....	668
Appointment of Regents .....	669, 1839
Care of Government collections .....	670
Exploring expedition.....	678
Report of Smithsonian Institution .....	678
Powell's exploration.....	679
Washington canal .....	680
Smithson fund .....	680
International exchanges .....	680
<b>Forty-first Congress, 1869-1871:</b>	
Appointment of Regents .....	681
Report of Smithsonian Institution .....	682
International exchanges .....	683
Corcoran Gallery of Art.....	684
Zoological Society .....	685
Stanley Indian paintings.....	686
Powell's exploration.....	686
Care of Government collections.....	686
Philadelphia Centennial Exposition.....	687
<b>Forty-second Congress, 1871-1873:</b>	
Amendment to act of organization of Smithsonian Institution .....	688
Report of Smithsonian Institution .....	689
Decoration for Prof. Joseph Henry .....	692
Exploring expedition.....	692
International exchanges .....	692
Care of Government collections .....	693

	Page.
<b>Forty-second Congress, 1871-1873—Continued.</b>	
Expositions, Philadelphia Centennial.....	694
Vienna.....	698
Free postage.....	699
Powell's exploration.....	699
Appointment of Regents.....	699
<b>Forty-third Congress, 1873-1875:</b>	
Expositions, Philadelphia Centennial.....	700
Vienna.....	705
Appointment of Regents.....	705
Report of Smithsonian Institution.....	718
International exchanges.....	724
Documents.....	724
Act of organization of Smithsonian Institution. Revised Statutes.....	724
Public printing.....	728
Polaris expedition.....	728
National Museum, estimates.....	728
appropriations.....	729
Regents to have use of Library of Congress.....	730
<b>Forty-fourth Congress, 1875-1877:</b>	
Report of Smithsonian Institution.....	1839
Restoration of the original Declaration of Independence.....	730
International exchanges.....	731
Indian statistics and history.....	731
National Museum, building.....	731
estimates.....	739
appropriations.....	742
Philadelphia Centennial.....	743
Government exhibit.....	746
Act of organization of Smithsonian Institution amended.....	767
Free postage.....	767
Appointment of Regents.....	1839
<b>Forty-fifth Congress, 1877-1879:</b>	
National Museum, building required for Government collections.....	768
Government collections to be deposited in.....	779
estimates.....	779
appropriations.....	782
Appointment of Regents.....	783
Fire protection for public buildings.....	784
Order of Saint Olaf for S. F. Baird.....	788
Woodruff Scientific Expedition.....	789
Plates of fractional currency.....	790
Documents.....	791
Geological and Geographical Survey reports.....	791
Expositions, Paris.....	792
Philadelphia Centennial.....	794
Howgate Arctic expedition.....	795
Ventilation of Hall of House of Representatives.....	796
Report of Smithsonian Institution.....	799
International exchanges, appropriations.....	799
The Smithsonian Institution, a corporation?.....	800
Joseph Henry, death and memorial services of.....	801
memorial volume.....	805
services of, to the Government.....	806
Acting Secretary of Smithsonian Institution.....	809

Forty-fifth Congress, 1877-1879—Continued.	Page.
Protection of public libraries .....	810
Scientific surveys.....	810
Ethnology, contributions .....	811
Land Office Museum.....	811
Glover entomological plates.....	812
Ethnology, estimates .....	818
appropriations .....	818
Free postage .....	818
Forty-sixth Congress, 1879-1881:	
Appointment of Regents.....	819
Joseph Henry, portrait for memorial volume.....	820
statue.....	821
portrait for the Institution .....	823
Land Office Museum .....	823
Expositions, Sydney and Melbourne.....	823
Philadelphia Centennial.....	824
Berlin Fishery.....	824
Berlin Fishery, Baird prize.....	825
Philadelphia Sheep and Wool .....	827
New York.....	827
National Museum, transportation.....	828
use of building.....	828
Sunday and night opening .....	829
building .....	830
street railroad to .....	835
estimates .....	835
appropriations .....	840
Library of Congress, new building.....	842
Standard weights and measures .....	843
Ethnology, contributions .....	843
report.....	844
Smithson fund .....	845
Report of Smithsonian Institution .....	845
International exchanges .....	851
French exchanges.....	854
International exchanges, estimates .....	855
appropriations .....	855
Smithsonian Institution a corporation? .....	856
Ethnology, estimates .....	857
appropriations .....	859
Emil Bessels' scientific report .....	865
reimbursement of.....	866
Documents .....	869
Forty-seventh Congress, 1881-1883:	
Appointment of Regents .....	869
Ethnology, estimates .....	870
appropriations .....	870
Thomson Siamese deposit.....	871
Expositions, Atlanta.....	872
Denver .....	872
London Fishery .....	872
Boston .....	883
Philadelphia Centennial .....	883

# CONTENTS.

XIII

## Forty-seventh Congress, 1881-1883—Continued.

Page.

Expositions, New Orleans.....	887
Philadelphia Electrical.....	890
Louisville.....	890
Fireproofing Smithsonian building.....	891
Lectures.....	893
Geological Survey building.....	895
International exchanges.....	895
estimates.....	905
appropriations.....	906
Forest preservation.....	907
Glover entomological plates.....	907
Ethnology, contributions and reports.....	908
bulletins.....	909
National Museum, employees.....	909
estimates.....	910
appropriations.....	913
Documents.....	917
Statue of Joseph Henry.....	918
Turner's and Nelson's reports on Alaska.....	923
Reports of Smithsonian Institution and National Museum.....	924
Report of Smithsonian Institution.....	928
Illustrations of the reports.....	929
Army Medical Library and Museum.....	929

## Forty-eighth Congress, 1883-1885:

Smithsonian building, estimates.....	930
appropriations.....	932
Ethnology, estimates.....	932
appropriations.....	932
International exchanges, estimates.....	933
appropriations.....	933
Army Medical Library and Museum.....	934
Appointment of Regents.....	938
University of Medicine.....	939
Ethnology, reports.....	940
National Museum, Sunday opening.....	944
transportation.....	944
report.....	944
estimates.....	944
appropriations.....	947
Bureau of Fine Arts.....	949
Privilege of floor of Senate.....	949
Acting Secretary of Smithsonian Institution.....	952
Neumann's silk flag.....	953
Expositions, New Orleans.....	953
Cincinnati.....	957
Louisville.....	957
London Fishery.....	957
Report of Smithsonian Institution.....	957
Ventilation of Hall of House of Representatives.....	959
Free postage.....	961
Public printing and binding.....	962
Henry statue.....	962
Grant relics.....	962

Forty-eighth Congress, 1883-1885—Continued.	Page.
Documents .....	968
Department of Agriculture, entomology, ornithology .....	968
Forty-ninth Congress, 1885-1887:	
Appointment of Regents .....	970
International exchanges .....	974, 1840
estimates .....	978
appropriations .....	979
Smithsonian building, estimates .....	980
appropriations .....	981
Bureau of Ethnology, estimates .....	981
appropriations .....	981
Bureau of Fine Arts .....	981
Nelson's report on Alaska .....	982
Turner's report on Alaska .....	983
Report of the Smithsonian Institution .....	986
Capron Japanese collection .....	988
Ethnology, bulletins .....	1002
Grant relics .....	1009
National Museum, Government collections .....	1011
Sunday opening .....	1014
section of transportation .....	1014
estimates .....	1018
appropriations .....	1022
Manuscripts commission .....	1032
Expositions, Centennial celebration of the Constitution .....	1033
Minneapolis .....	1039
Rock Creek Park .....	1040
Neumann's silk flag .....	1041
Smithsonian fund .....	1042
Public printing and binding .....	1042
Smithsonian grounds .....	1043
School of Research and Medicine .....	1043
Army Medical Museum and Library .....	1043
Reid's sword .....	1044

## VOLUME II.

Fiftieth Congress, 1887-1889:	
Bureau of Ethnology, estimates .....	1045
appropriations .....	1045
Spencer F. Baird, services of .....	1045
statue of .....	1104
Bureau of Fine Arts .....	1105
G. Brown Goode, Fish Commissioner .....	1106
Rock Creek National Park .....	1106
Appointment of Regents .....	1109
Capron Japanese collection .....	1110
Army Medical Museum and Library .....	1112
Semon Bache & Co. ....	1112
Expositions, Washington .....	1113
Melbourne .....	1113
Barcelona .....	1114
Paris .....	1114
Brussels .....	1119
Cincinnati .....	1119
Marietta .....	1122

<b>Fiftieth Congress, 1887-1889—Continued.</b>	<b>Page.</b>
Ethnology, bulletins.....	1122
reports .....	1124
Gen. James Shields' swords.....	1124
Report of Smithsonian Institution .....	1129
National art commission .....	1131
Neumann's silk flag .....	1132
Privilege of floor of the House of Representatives.....	1132
Stanley Indian paintings.....	1132
Methods of Government work.....	1133
Statue of Robert Dale Owen.....	1136
International exchanges .....	1137
estimates .....	1145
appropriations .....	1146
National Zoological Park.....	1149
American Historical Association.....	1219
Fireproofing Smithsonian building .....	1224
Vail telegraphic instrument.....	1225
Documents.....	1225
National Museum, new building.....	1226
Armory building .....	1231
classified service.....	1238
living animals .....	1242
estimates.....	1247
appropriations.....	1249
Military and Naval Museum.....	1259
Detailed statement of expenditures required.....	1267
Government publications restricted to public business.....	1268
Geological Survey building.....	1268
Astrophysical Observatory .....	1271
<b>Fifty-first Congress, 1889-1891:</b>	
Appointments of Regents .....	1272
Fireproofing Smithsonian building.....	1274
Bureau of Fine Arts .....	1279
Vail original telegraphic receiver .....	1279
Capron Japanese collection.....	1279
Report of Smithsonian Institution .....	1291
Rock Creek Park.....	1292
Statue of Christopher Columbus .....	1307
National Military and Naval Museum.....	1307
Geological Survey building.....	1308
National Museum, evening opening.....	1309
armory building.....	1310
new building.....	1311
basement .....	1321
estimates .....	1321
appropriations .....	1325
Report on expenditures.....	1328
Reid's sword.....	1328
Baird statue .....	1332
National Zoological Park, appropriations.....	1333
report of commission.....	1333
organization.....	1343
estimates.....	1488

<b>Fifty-First Congress, 1889-1891—Continued.</b>	<b>Page.</b>
International exchanges .....	1492
estimates .....	1496
appropriations .....	1497
Stanley Indian paintings .....	1500
Christopher Columbus memorial .....	1501
Expositions, Chicago .....	1501
St. Louis .....	1514
Louisville .....	1514
Heirs of Joseph Henry .....	1514
Society of Sons of the American Revolution .....	1527
University of the United States .....	1530
American University .....	1531
American Historical Association Report .....	1534
Owen statue .....	1537
Bureau of Ethnology .....	1539
estimates .....	1541
appropriations .....	1541
Perkins collection of copper implements .....	1543
Printing reports from Executive Departments .....	1544
Astrophysical Observatory, estimates .....	1544
appropriations .....	1545
Ethnology, report .....	1546
<b>Fifty-second Congress, 1891-1893:</b>	
Smithsonian building, estimates .....	1547
appropriations .....	1547
International exchanges, estimates .....	1548
appropriations .....	1549
Ethnology, estimates .....	1551
appropriations .....	1551
Astrophysical Observatory, estimates .....	1551
appropriations .....	1552
Owen statue .....	1552
Appointment of Regents .....	1553
Statue of Spencer F. Baird .....	1557
Geographic names .....	1557
Report on expenditures .....	1558
Vail original telegraphic receiver .....	1559
Ethnology, reports .....	1559
Colonial Dames of America .....	1560
National Zoological Park, Zoo street railway .....	1561
report on expenditures .....	1562
estimates .....	1562
appropriations .....	1567
National Museum, night opening .....	1574
new building .....	1575
estimates .....	1575
appropriations .....	1581
Expositions, Madrid .....	1582
Chicago .....	1584, 1840
Philadelphia Centennial .....	1595
Use of Government collections in Washington by students, etc .....	1595
List of employees .....	1596
Astrophysical Observatory .....	1597

	Page.
<b>Fifty-second Congress, 1891-1893—Continued.</b>	
List of employees, International exchanges .....	1597
National Zoological Park .....	1597
National Museum .....	1598
Daughters of the American Revolution .....	1600
Select committee on the Smithsonian Institution .....	1600
Perkins collection of copper implements .....	1600
Appropriations discussed .....	1601
National Society of Colonial Dames of America .....	1623
American Historical Association Report .....	1624
Report of Smithsonian Institution .....	1625
Public printing and binding .....	1628
University of the United States .....	1629
National Historical Society .....	1632
Public buildings .....	1632
<b>Fifty-third Congress, 1893-1895:</b>	
Appointment of Regents .....	1632
Free exchange of documents .....	1635
Expositions, San Francisco .....	1635
Chicago .....	1636
Antwerp .....	1639
Tacoma .....	1639
Atlanta .....	1640
Paris .....	1643
Portland .....	1643
Barcelona .....	1644
Ethnology, report .....	1644
University of the United States .....	1654
National Historical Society .....	1661
National Museum, armory building .....	1661
new building .....	1661
Sunday and evening opening .....	1662
estimates .....	1662
appropriations .....	1668
Documents for the Smithsonian Institution .....	1670
Contracts for supplies .....	1670
Report of Smithsonian Institution .....	1672
Report on expenditures .....	1672
International exchanges, estimates .....	1673
appropriations .....	1674
Bureau of Ethnology, estimates .....	1675
appropriations .....	1676
Astrophysical Observatory, estimates .....	1676
appropriations .....	1677
Objects of the Smithsonian Institution. Letter to President of the United States .....	1677
Amendment to act of organization of Smithsonian Institution .....	1680
Deposit of securities in the Treasury vaults .....	1685
Permanent appropriations, Smithsonian fund .....	1687
American Historical Association .....	1687
Owen statue .....	1688
Objects of the Smithsonian Institution. Circular by Secretary Langley ..	1688

	Page.
<b>Fifty-third Congress, 1893-1895—Continued.</b>	
National Zoological Park, entrance .....	1690
report on expenses.....	1692
estimates.....	1692
appropriations.....	1694
Act for public printing and binding and distribution of public documents.	1695
Appropriations debated.....	1697
Weighing coal and measuring wood for public service.....	1698
Arrears of business in public offices.....	1699
Bonds of disbursing officers.....	1700
<b>Fifty-fourth Congress, 1895-1897:</b>	
International exchanges, estimates .....	1700
appropriations.....	1707
Bureau of American Ethnology, estimates .....	1709
appropriations .....	1709
Astrophysical Observatory, estimates .....	1709
appropriations .....	1710
Smithsonian deposit in Library of Congress .....	1710
Owen statue .....	1710
University of America .....	1710
National Museum, new building.....	1711
Nicaraguan collection of pottery.....	1726
estimates .....	1727
appropriations .....	1732
Appointment of Regents.....	1736
National Zoological Park, improvement of thoroughfare near park .....	1738
Mount Pleasant and Zoo Gravity Railway Com- pany.....	1738
estimates .....	1738
appropriations .....	1739
International Permanent Exhibition Company, New York .....	1739
National Society of Daughters of the American Revolution .....	1740
Anacostia statue of George Washington .....	1745
Report on expenditures.....	1746
Smithsonian mail matter not limited .....	1746
Expositions, Chicago .....	1746
Nashville.....	1748
Atlanta .....	1751
Omaha.....	1751
Brussels.....	1754
New York Gas Apparatus .....	1754
Settlement between the United States and State of Arkansas .....	1755
Sociological Institution .....	1761
National Society of Colonial Dames of America and Society of Colonial Dames of America.....	1763
Fur-seal investigation.....	1766
Smithsonian bureaus under civil service .....	1767
International catalogue of scientific literature .....	1769
Government of Library of Congress.....	1773
<b>Fifty-fifth Congress, 1897-1899:</b>	
Appointment of Regents.....	1775
Settlement between the United States and State of Arkansas .....	1779
Astrophysical Observatory, annals.....	1787
estimates .....	1787
appropriations .....	1788

Fifty-fifth Congress, 1897-1899—Continued.

	Page.
Expositions, Omaha .....	1789, 1841
Paris.....	1792
Bergen Fisheries.....	1795
Cayuga Island or Buffalo .....	1796
Toledo .....	1801
Chicago .....	1841
Philadelphia Export.....	1842, 1844
Owen statue .....	1805
International catalogue of scientific literature.....	1806
Rock Creek Park.....	1807
International exchanges, estimates .....	1809
appropriations .....	1810
Bureau of American Ethnology, estimates .....	1812
appropriations .....	1813
Report on expenditures.....	1813
National Museum, Sunday opening .....	1814
printing bulletins and proceedings.....	1814
estimates .....	1814
appropriations .....	1820
University of the United States .....	1823
Leaves of absence to public employees.....	1825
Steiner Indian collection.....	1826
Preservation of game in the District of Columbia .....	1826
Purchase of books to be specifically provided for .....	1829
Quarterly reports on condition of business .....	1829
National Zoological Park, exchange of lands.....	1829
studio for artists.....	1831
readjustment of boundaries.....	1832
grading street .....	1834
estimates.....	1835
appropriations.....	1836
Daughters of the American Revolution .....	1837
Report of salaries of officers and employees required .....	1837
ADDENDA .....	1838

PART IV.

List of members of the "Establishment" of the Institution .....	1847
Presidents of the United States.....	1847
Vice-Presidents .....	1847
Secretaries of State .....	1847
Secretaries of the Treasury.....	1847
Secretaries of War.....	1848
Secretaries of the Navy .....	1848
Postmasters-General.....	1848
Attorneys-General.....	1849
Chief Justices .....	1849
Commissioners of the Patent Office .....	1849
Commissioners of Patents .....	1849
Mayors of the city of Washington .....	1849
Governors of the District of Columbia.....	1850
Secretaries of the Interior.....	1850
Secretaries of Agriculture .....	1850
Honorary members.....	1850
List of members of the Board of Regents of the Institution .....	1851
Vice-Presidents of the United States.....	1851

List of members of the Board of Regents of the Institution—Continued.	Page.
Presidents pro tempore of the Senate .....	1852
Chief Justices .....	1852
Mayors of the city of Washington .....	1852
Governors of the District of Columbia .....	1852
Senators .....	1852
Representatives .....	1853
Citizens from States .....	1853
Citizens from Washington City... ..	1854
List of Regents according to residence.....	1854
List of officers of the Institution.....	1856
CORRIGENDA.....	1857

# ACT OF ORGANIZATION OF THE SMITHSONIAN INSTITUTION.

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August 10, 1846, with amendments to March 3, 1899.

**PREAMBLE.** James Smithson, esquire, of London, in the kingdom of Great Britain, having by his last will and testament given the whole of his property to the United States of America, to found, at Washington, under the name of the "Smithsonian Institution," an establishment for the increase and diffusion of knowledge among men; and the United States having, by an act of Congress, received said property and accepted said trust; therefore, for the faithful execution of said trust, according to the will of the liberal and enlightened donor,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:*

**SEC. 5579.** That the President, the Vice-President, the Chief Justice, and the heads of Executive Departments are hereby constituted an establishment by the name of the Smithsonian Institution for the increase and diffusion of knowledge among men, and by that name shall be known and have perpetual succession with the powers, limitations, and restrictions hereinafter contained, and no other.

**SEC. 5580.** The business of the Institution shall be conducted at the city of Washington by a Board of Regents, named the Regents of the Smithsonian Institution, to be composed of the Vice-President, the Chief Justice of the United States, and three members of the Senate and three members of the House of Representatives: together with six other persons, other than members of Congress, two of whom shall be resident in the city of Washington; and the other four shall be inhabitants of some State, but no two of them of the same State.

**SEC. 5581.** The regents to be selected shall be appointed as follows: The members of the Senate by the President thereof: the members of the House by the Speaker thereof; and the six other persons by joint

## XXII ORGANIZATION OF THE SMITHSONIAN INSTITUTION.

resolution of the Senate and House of Representatives. The members of the House so appointed shall serve for the term of two years; and on every alternate fourth Wednesday of December a like number shall be appointed in the same manner, to serve until the fourth Wednesday in December, in the second year succeeding their appointment. The Senators so appointed shall serve during the term for which they shall hold, without re-election, their office as Senators. Vacancies, occasioned by death, resignation, or otherwise, shall be filled as vacancies in committees are filled. The regular term of service for the other six members shall be six years; and new elections thereof shall be made by joint resolutions of Congress. Vacancies occasioned by death, resignation, or otherwise may be filled in like manner by joint resolution of Congress.

SEC. 5582. The regents shall meet in the city of Washington and elect one of their number as chancellor, who shall be the presiding officer of the Board of Regents, and called the chancellor of the Smithsonian Institution, and a suitable person as Secretary of the Institution,\* who shall also be the secretary of the Board of Regents. The board shall also elect three of their own body as an executive committee, and the regents shall fix on the time for the regular meetings of the board; and, on application of any three of the regents to the Secretary of the institution, it shall be his duty to appoint a special meeting of the Board of Regents, of which he shall give notice, by letter, to each of the members; and, at any meeting of the board, five shall constitute a quorum to do business. Each member of the board shall be paid his necessary traveling and other actual expenses, in attending meetings of the board, which shall be audited by the executive committee, and recorded by the Secretary of the board; but his service as regent shall be gratuitous.

SEC. 5583. The Secretary of the Board of Regents shall take charge of the building and property of the institution, and shall, under their direction, make a fair and accurate record of all their proceedings, to

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\* Acting Secretary of the Smithsonian Institution. "*Be it enacted, etc., That the Chancellor of the Smithsonian Institution may, by an instrument in writing filed in the office of the Secretary thereof, designate and appoint a suitable person to act as Secretary of the Institution when there shall be a vacancy in said office, and whenever the Secretary shall be unable from illness, absence, or other cause to perform the duties of his office; and in such case the person so appointed may perform all the duties imposed on the Secretary by law until the vacancy shall be filled or such inability shall cease. The said Chancellor may change such designation and appointment from time to time as the interests of the Institution may in his judgment require.*"—(May 13, 1884. Statutes, XXIII, 21.)

be preserved in the institution; and shall also discharge the duties of librarian and of keeper of the museum, and may, with the consent of the Board of Regents, employ assistants.

SEC. 5584. The Secretary and his assistants shall, respectively, receive for their services such sum as may be allowed by the Board of Regents, to be paid semi-annually on the first day of January and July; and shall be removable by the Board of Regents whenever, in their judgment, the interests of the institution require such removal.

SEC. 5585. The members and honorary members of the institution may hold stated and special meetings, for the supervision of the affairs of the institution and the advice and instruction of the Board of Regents, to be called in the manner provided for in the by-laws of the institution, at which the President, and in his absence the Vice-President, shall preside.

SEC. 5586. Whenever suitable arrangements can be made from time to time for their reception, all objects of art and of foreign and curious research, and all objects of natural history, plants, and geological and mineralogical specimens belonging to the United States, which may be in the city of Washington, in whosoever custody they may be, shall be delivered to such persons as may be authorized by the Board of Regents to receive them, and shall be so arranged and classified in the building erected for the institution as best to facilitate the examination and study of them; and whenever new specimens in natural history, geology, or mineralogy are obtained for the museum of the institution, by exchanges of duplicate specimens, which the regents may in their discretion make, or by donation, which they may receive, or otherwise, the regents shall cause such new specimens to be appropriately classed and arranged. The minerals, books, manuscripts, and other property of James Smithson, which have been received by the Government of the United States, shall be preserved separate and apart from other property of the institution.

SEC. 5587. The regents shall make, from the interest of the fund, an appropriation, not exceeding an average of twenty-five thousand dollars annually, for the gradual formation of a library composed of valuable works pertaining to all departments of human knowledge.\*

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\* The Smithsonian library was transferred to the Library of Congress under act of April 5, 1866:

*"Be it enacted, etc.,* That the library collected by the Smithsonian Institution under the provisions of an act approved, August 10, 1846, shall be removed from the building of said Institution, with the consent of the Regents thereof, to the new fireproof

## XXIV ORGANIZATION OF THE SMITHSONIAN INSTITUTION.

SEC. 5588. The site and lands selected for buildings for the Smithsonian Institution shall be deemed appropriated to the institution, and the record of the description of such site and lands, or a copy thereof, certified by the chancellor and Secretary of the Board of Regents, shall be received as evidence in all courts of the extent and boundaries of the lands appropriated to the institution.

SEC. 5589. All laws for the protection of public property in the city of Washington shall apply to, and be in force for, the protection of the lands, buildings, and other property of the Smithsonian Institution. All moneys recovered by or accruing to, the institution shall be paid into the Treasury of the United States, to the credit of the Smithsonian bequest, and separately accounted for.

SEC. 5590. So much of the property of James Smithson as has been received in money, and paid into the Treasury of the United States, being the sum of five hundred and forty-one thousand three hundred and seventy-nine dollars and sixty-three cents, shall be lent to the United States Treasury, at six per centum per annum interest; and six per centum interest on the trust-fund and residuary legacy received into the United States Treasury, payable in half-yearly payments, on the first of January and July in each year, is hereby appropriated for the perpetual maintenance and support of the Smithsonian Institution; and all expenditures and appropriations to be made, from time to time, to the purposes of the institution shall be exclusively from the accruing interest, and not from the principal of the fund. All the moneys

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extension of the Library of Congress, upon completion of a sufficient portion thereof for its accommodation, and shall, while there deposited, be subject to the same regulations as the Library of Congress, except as hereinafter provided.

"SEC. 2. *And be it further enacted*, That the Smithsonian Institution, through its Secretary, shall have the use of the library of Congress, subject to the same regulations as Senators or Representatives."—(Statutes, XIV, 13.)

By act of April 5, 1866, as given in Revised Statutes, 1875:

"SEC. 99. The library collected by the Smithsonian Institution under the provisions of the act of August 10, 1846, chapter 25, and removed from the building of that Institution, with the consent of the Regents thereof, to the Library of Congress, shall, while there deposited, be subject to the same regulations as the Library of Congress, except as hereinafter provided.

"SEC. 100. The Smithsonian Institution shall have the use thereof in like manner as before its removal, and the public shall have access thereto for purposes of consultation on every ordinary week-day, except during one month of each year, in the recess of Congress, when it may be closed for renovation. All the books, maps, and charts of the Smithsonian Library shall be properly cared for and preserved in like manner as are those of the Congressional Library; from which the Smithsonian library shall not be removed except on reimbursement by the Smithsonian Institution to the Treasury of the United States of expenses incurred in binding and in taking care of the same, or upon such terms and conditions as shall be mutually agreed upon by Congress and the Regents of the Institution."—(Statutes, XVIII, pt. 1, 1875, 16.)

and stocks which have been, or may hereafter be, received into the Treasury of the United States, on account of the fund bequeathed by James Smithson, are hereby pledged to refund to the Treasury of the United States the sums hereby appropriated.

SEC. 5591. The Secretary of the Treasury is authorized and directed to receive into the Treasury, on the same terms as the original bequest of James Smithson, such sums as the regents may, from time to time, see fit to deposit, not exceeding, with the original bequest, the sum of one million dollars.

*Provided*, That this shall not operate as a limitation on the power of the Smithsonian Institution to receive money or other property by gift, bequest, or devise, and to hold and dispose of the same in promotion of the purposes thereof.

SEC. 5592. The regents are authorized to make such disposal of any other moneys which have accrued, or shall hereafter accrue, as interest upon the Smithsonian fund, not herein appropriated, or not required for the purposes herein provided, as they shall deem best suited for the promotion of the purposes of the testator.

SEC. 5593. Whenever money is required for the payment of the debts or performance of the contracts of the institution, incurred or entered into in conformity with the provisions of this Title, or for making the purchases and executing the objects authorized by this Title, the Board of Regents, or the executive committee thereof, may certify to the chancellor and Secretary of the board that such sum of money is required, whereupon they shall examine the same, and, if they shall approve thereof, shall certify the same to the proper officer of the Treasury for payment. The board shall submit to Congress,\* at each session thereof, a report of the operations, expenditures, and condition of the Institution.

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\* "The Secretary of the Smithsonian Institution shall submit to Congress at its next session a detailed statement of the expenditures of the fiscal year, under appropriations for 'International Exchanges,' 'North American Ethnology,' and the 'National Museum,' and annually thereafter a detailed statement of expenditures under said appropriations shall be submitted to Congress at the beginning of each regular session thereof."—(October 2, 1888. Statutes, XXV, 529.)

"A report in detail of the expenses on account of the National Zoological Park shall be made to Congress at the beginning of each regular session."—(August 5, 1892. Statutes, XXVII, 360.)

"The annual reports of the Smithsonian Institution shall be hereafter printed at the Government Printing Office, in the same manner as the annual reports of the heads of Departments are now printed, for submission in print to the two Houses of Congress."—(March 3, 1885. Statutes, XXIII, 520.)

## XXVI ORGANIZATION OF THE SMITHSONIAN INSTITUTION.

SEC. 5594. Congress may alter, amend, add to, or repeal any of the provisions of this Title; but no contract or individual right made or acquired under such provisions shall be thereby divested or impaired.\*

### REFERENCES.

- August 10, 1846. Act of organization (original). (Statutes, IX, 102.)  
February 5, 1859. Amendment (copyrights). (Statutes, XI, 379.)  
January 10, 1865. Amendment (regents). (Statutes, XIII, 420.)  
April 5, 1866. Act (transfer of Smithsonian Library). (Statutes, XIV, 13.)  
February 8, 1867. Amendment (residuary legacy and increase of fund). (Statutes, XIV, 391.)  
March 20, 1871. Amendment (regents). (Statutes, XVI, 1.)  
June 22, 1874. Act of organization. (Rev. Statutes, XVIII, pt. 1, 1875, 16, 1088.)  
February 27, 1877. Amendment (establishment). (Statutes, XIX, 253.)  
March 2, 1877. Act of organization. (Rev. Statutes, XVIII, pt. 1. 2d ed, 1878, 1082.)  
March 3, 1879. Act (free postage). (Statutes, XX, 360, 362.)  
May 13, 1884. Act (acting secretary). (Statutes, XXIII, 21.)  
March 3, 1885. Act (printing reports). (Statutes, XXIII, 520.)  
October 2, 1888. Act (reports of expenditures, exchanges, ethnology, museum). (Statutes, XXV, 529.)  
August 5, 1892. Act (reports of expenditures, Zoological Park). (Statutes, XXVII, 360.)  
March 12, 1894. Amendment (change of membership of "Establishment." Power to receive and dispose of money, etc.). (Statutes, XXVIII, 41.)

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\*By act of Congress March 3, 1879, the provisions of the act of March 3, 1877, "for the transmission of official mail matter" were extended to "all official mail matter sent from the Smithsonian Institution," and the Institution was exempted from the limit of fourth-class matter to four pounds for each package.—(Statutes, XX, 360, 362.)

TITLES OF ACTS AND JOINT RESOLUTIONS.



**FULL TITLES OF ACTS AND JOINT RESOLUTIONS OF CON-  
GRESS, 1835-1899, REFERRED TO IN THIS WORK.**

<b>July 1, 1836:</b>	<b>Page.</b>
An act to authorize and enable the President to assert and prosecute with effect the claim of the United States to the legacy bequeathed to them by James Smithson, late of London, deceased, to found at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men. (Stat., V, 64)...	142
<b>October 16, 1837:</b>	
An act making further appropriations for the year 1837. (Stat., V, 207).	144
<b>July 7, 1838:</b>	
An act to provide for the support of the Military Academy of the United States for the year 1838, and for other purposes. (Stat., V, 264) .....	145
<b>March 3, 1839:</b>	
An act making appropriations for the civil and diplomatic expenses of Government for the year 1839. (Stat., V, 339) .....	182
<b>July 20, 1840:</b>	
An act making appropriations for the support of the Army for the year 1840. (Stat., V, 404) .....	219
<b>July 20, 1840:</b>	
Joint resolution for the exchange of books and public documents for foreign publications. (Stat., V, 409) .....	220
<b>March 3, 1841:</b>	
An act making appropriations for the naval service for the year 1841. (Stat., V, 419) .....	220
<b>September 4, 1841:</b>	
An act to appropriate the proceeds of the sales of public lands, and to grant preemption rights. (Stat., V, 453) .....	221
<b>September 11, 1841:</b>	
An act to repeal a part of the sixth section of the act entitled "An act to provide for the support of the Military Academy of the United States for the year 1838, and for other purposes," passed July 7, 1838. (Stat., V, 465) .....	224
<b>August 4, 1842:</b>	
An act making appropriations for the naval service for the year 1842. (Stat., V, 500) .....	239
<b>August 26, 1842:</b>	
An act to provide for publishing an account of the discoveries made by the Exploring Expedition, under the command of Lieutenant Wilkes, of the United States Navy. (Stat., V, 534) .....	240
<b>December 24, 1842:</b>	
An act making appropriations for the civil and diplomatic expenses of Government for the half calendar year ending the 30th day of June, 1843. (Stat., V, 586) .....	240

# XXX ACTS AND JOINT RESOLUTIONS OF CONGRESS, 1835-1899.

	Page.
March 3, 1843:	
An act making appropriations for the civil and diplomatic expenses of Government for the fiscal year ending the 30th day of June, 1844. (Stat., V, 630).....	240
March 3, 1843:	
An act for the relief of Richard Rush. (Stat., VI, 892) .....	239
June 17, 1844:	
An act making appropriations for the civil and diplomatic expenses of Government for the fiscal year ending the 30th day of June, 1845, and for other purposes. (Stat., V, 681).....	320
February 20, 1845:	
A resolution for distributing the work on the exploring expedition. (Stat., V, 797) .....	320
March 3, 1845:	
An act making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th June, 1846, and for other purposes. (Stat., V, 752).....	321
March 3, 1845:	
A joint resolution directing the Secretary of the Treasury, whenever any State shall have been or may be in default for the payment of interest or principal on investments in its stocks or bonds held by the United States in trust, to retain certain moneys to which such State is entitled for the purposes therein named. (Stat., V, 801) .....	319
March 4, 1846:	
A resolution to authorize the transmission and presentation of books to the minister of justice of France, in exchange for books received from him. (Stat., IX, 109).....	434
July 15, 1846:	
A resolution, supplementary to the resolution of February 20, 1845, for distributing the works of the exploring expedition. (Stat., IX, 111) ..	435
August 10, 1846:	
An act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th day of June, 1847, and for other purposes. (Stat., IX, 85).....	435
August 10, 1846:	
An act to establish the "Smithsonian Institution," for the increase and diffusion of knowledge among men. (Stat., IX, 102) .....	429
August 10, 1846:	
A resolution appointing Regents of the Smithsonian Institution. (Stat., IX, 115).....	438
March 3, 1847:	
An act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th day of June, 1848, and for other purposes. (Stat., IX, 155).....	435
June 26, 1848:	
An act to regulate the exchange of certain documents and other publications of Congress. (Stat., IX, 240).....	466
June 30, 1848:	
A resolution authorizing the presentation to the Government of France of a series of the standard weights and measures of the United States, and for other purposes. (Stat., IX, 336) .....	467
August 12, 1848:	
An act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th day of June, 1849, and for other purposes. (Stat., IX, 284).....	467

<b>December 19, 1848:</b>	<b>Page.</b>
A resolution for the appointment of Regents in the Smithsonian Institution. (Stat., IX, 417) .....	464
<b>February 1, 1849:</b>	
An act for the relief of the forward officers of the late Exploring Expedition. (Stat., IX, 344) .....	467
<b>March 2, 1849:</b>	
Joint resolution directing that the Government of Russia be supplied with certain volumes of the narrative of the Exploring Expedition, in lieu of those which were lost at sea, and for other purposes. (Stat., IX, 418).	468
<b>March 3, 1849:</b>	
An act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1850, and for other purposes. (Stat., IX, 354) .....	468
<b>February 20, 1850:</b>	
Joint resolution to supply the Territories of Oregon and Minnesota with the narrative of the Exploring Expedition. (Stat., IX, 561) .....	468
<b>September 30, 1850:</b>	
An act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1851, and for other purposes. (Stat., IX, 523) .....	468, 480
<b>December 24, 1850:</b>	
A resolution for the appointment of Regents of the Smithsonian Institution. (Stat., IX, 646) .....	483
<b>February 27, 1851:</b>	
A resolution directing the distribution of the works of Alexander Hamilton, and for other purposes. (Stat., IX, 646) .....	480
<b>March 3, 1851:</b>	
An act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1852, and for other purposes. (Stat., IX, 598) .....	470, 480
<b>March 3, 1851:</b>	
An act making appropriations for the naval service for the year ending the 30th of June, 1852. (Stat., IX, 621) .....	470
<b>August 31, 1852:</b>	
An act making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1853, and for other purposes. (Stat., X, 76) .....	487
<b>August 31, 1852:</b>	
An act making appropriations for the naval service for the year ending the 30th of June, 1853. (Stat., X, 100) .....	487
<b>January 13, 1853:</b>	
A resolution for the appointment of Regents in the Smithsonian Institution. (Stat., X, 261) .....	486
<b>March 3, 1853:</b>	
An act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1854. (Stat., X, 189).	487
<b>March 3, 1853:</b>	
An act making appropriations for the naval service for the year ending the 30th of June, 1854. (Stat., X, 220) .....	487
<b>July 20, 1854:</b>	
A resolution providing for the distribution of the works of Thomas Jefferson. (Stat., X, 594) .....	503
<b>August 4, 1854:</b>	
An act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1855, and for other purposes. (Stat., X, 546) .....	505, 511

## XXXII ACTS AND JOINT RESOLUTIONS OF CONGRESS, 1835-1899.

	Page.
August 5, 1854:	
An act making appropriations for the naval service for the year ending the 30th of June, 1855. (Stat., X, 583) .....	510
December 27, 1854:	
A resolution for the appointment of Regents in the Smithsonian Institution. (Stat., X, 722).....	503
March 3, 1855:	
An act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1856, and for other purposes. (Stat., X, 643) .....	511, 599
March 3, 1855:	
An act making appropriations for the naval service for the year ending the 30th of June, 1856. (Stat., X, 675) .....	511
March 3, 1855:	
An act making appropriations for the service of the Post-Office Department during the fiscal year ending the 30th of June, 1856. (Stat., X, 683).....	501
February 27, 1856:	
A resolution for the appointment of regents to fill the vacancies in the Board of Regents of the Smithsonian Institution. (Stat., XI, 142).....	602
August 18, 1856:	
An act making appropriations for certain civil expenses of the Government for the year ending the 30th of June, 1857. (Stat., XI, 81) .....	603
August 18, 1856:	
An act making appropriations for the legislative, executive, and judicial expenses of Government for the year ending the 30th of June, 1857. (Stat., XI, 102).....	603
January 28, 1857:	
A resolution for the appointment of Regents of the Smithsonian Institution. (Stat., XI, 253).....	602
March 3, 1857:	
An act making appropriations for the legislative, executive, and judicial expenses of Government for the year ending the 30th of June, 1858. (Stat., XI, 206) .....	603, 604
June 2, 1858:	
An act making appropriations for the legislative, executive, and judicial expenses of Government for the year ending the 30th of June, 1859. (Stat., XI, 295).....	607
June 12, 1858:	
An act making appropriations for the naval service for the year ending the 30th of June, 1859. (Stat., XI, 314) .....	608
January 17, 1859:	
A resolution for the appointment of two Regents of the Smithsonian Institution. (Stat., XI, 440) .....	604
February 5, 1859:	
An act providing for keeping and distributing all public documents. (Stat., XI, 379) .....	608
March 3, 1859:	
An act making appropriations for sundry civil expenses of the Government for the year ending the 30th of June, 1860. (Stat., XI, 425) .....	607, 608
June 15, 1860:	
A resolution in relation to the works of the Exploring Expedition. (Stat., XII, 116).....	627
June 16, 1860:	
An act to facilitate communication between the Atlantic and Pacific States by electric telegraph. (Stat., XII, 41).....	610

	Page.
June 25, 1860:	
An act making appropriations for sundry civil expenses of the Government for the year ending the 30th of June, 1861. (Stat., XII, 104).....	611
February 20, 1861:	
An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1862. (Stat., XII, 133) .....	627
March 2, 1861:	
An act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1862. (Stat., XII, 214) .....	627
March 2, 1861:	
A resolution for the appointment of regents of the Smithsonian Institution. (Stat., XII, 251).....	610
July 27, 1861:	
A resolution relative to the exhibition of the industry of all nations, to be holden in London in the year 1862. (Stat., XII, 328) .....	1838
March 1, 1862:	
An act making appropriations for sundry civil expenses of the Government for the year ending the 30th of June, 1863, and additional appropriations for the year ending the 30th of June, 1862. (Stat., XII, 348)....	636
March 15, 1862:	
A resolution providing for the custody of the letter and gifts from the King of Siam. (Stat., XII, 616).....	636
April 2, 1862:	
Joint resolution for the appointment of Theodore D. Woolsey, of Connecticut, a Regent of the Smithsonian Institution, in place of Cornelius C. Felton, deceased. (Stat., XII, 617).....	630
April 24, 1862:	
Joint resolution to supply the Smithsonian Institution with volumes of Wilkes's Exploring Expedition. (Stat., XII, 618) .....	637
February 21, 1863:	
A resolution expelling George E. Badger from the Board of Regents of the Smithsonian Institution, and appointing Louis Agassiz in his place. (Stat., XII, 825).....	632
March 3, 1863:	
An act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1864, and for the year ending the 30[th] of June, 1863, and for other purposes. (Stat., XII, 744) .....	636
July 2, 1864:	
An act making appropriations for sundry civil expenses of the Government for the year ending the 30th of June 1865, and for other purposes. (Stat., XIII, 344).....	639
January 10, 1865:	
An act to repeal the provision of law requiring certain Regents of the Smithsonian Institution to be members of the National Institute. (Stat., XIII, 420).....	640
February 14, 1865:	
A resolution appointing General Richard Delafield to be a Regent of the Smithsonian Institution. (Stat., XIII, 569).....	658
January 15, 1866:	
Joint resolution in relation to the Industrial Exposition at Paris, France. (Stat., XIV, 347).....	658
April 5, 1866:	
An act to provide for the transfer of the custody of the library of the Smithsonian Institute to the Library of Congress. (Stat., XIV, 13)....	661

**XXXIV ACTS AND JOINT RESOLUTIONS OF CONGRESS, 1835-1899.**

	Page.
April 7, 1866:	
An act making additional appropriations, and to supply the deficiencies in the appropriations for sundry civil expenses of the Government for the fiscal year ending the 30th of June, 1866, and for other purposes. (Stat., XIV, 14) .....	662
July 5, 1866:	
Joint resolution to enable the people of the United States to participate in the advantages of the Universal Exhibition at Paris in 1867. (Stat., XIV, 362) .....	658
July 26, 1866:	
A resolution to authorize the use of certain plates of the United States Exploring Expedition by the Navy Department. (Stat., XIV, 366) ....	664
July 28, 1866:	
An act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1867, and for other purposes. (Stat., XIV, 310) .....	662
January 11, 1867:	
A resolution to provide for the exhibition of the cereal productions of the United States at the Paris Exposition in April next. (Stat., XIV, 563) .	660
February 8, 1867:	
An act authorizing the Secretary of the Treasury to receive into the Treasury the residuary legacy of James Smithson, to authorize the Regents of the Smithsonian Institution to apply the income of the said legacy, and for other purposes. (Stat., XIV, 391) .....	666
March 2, 1867:	
An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1868, and for other purposes. (Stat., XIV, 440) .....	663
March 2, 1867:	
An act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1868, and for other purposes. (Stat., XIV, 457) .....	663
March 2, 1867:	
A resolution to provide for the exchange of certain public documents. (Stat., XIV, 573) .....	667
March 12, 1867:	
A resolution supplementary to other joint resolutions to enable the people of the United States to participate in the advantages of the Universal Exhibition at Paris in 1867. (Stat., XV, 19) .....	667
January 11, 1868:	
A resolution for the appointment of Regents of the Smithsonian Institution. (Stat., XV, 246) .....	669
February 28, 1868:	
A resolution directing that the Government of Great Britain be supplied with certain volumes of the narrative of the exploring expedition. (Stat., XV, 248) .....	678
March 12, 1868:	
A resolution providing for the representation of the United States at the International Maritime Exhibition, to be held at Havre. (Stat., XV, 249) .....	668
June 11, 1868:	
Joint resolution authorizing the Secretary of War to furnish supplies to an exploring expedition. (Stat., XV, 253) .....	679

July 20, 1868:	Page.
An act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1869, and for other purposes. (Stat., XV, 110) .....	674
July 20, 1868:	
An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1869. (Stat., XV, 92) .....	680
July 25, 1868:	
A resolution to carry into effect the resolution approved March 2, 1867, providing for the exchange of certain public documents. (Stat., XV, 260)	680
March 3, 1869:	
An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1870. (Stat., XV, 283) .....	681
March 3, 1869:	
An act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1870, and for other purposes. (Stat., XV, 301) .....	678
March 3, 1869:	
A resolution reappointing Louis Agassiz a Regent of the Smithsonian Institution. (Stat., XV, 349) .....	670
May 5, 1870:	
A resolution for the transfer of an unexpended balance of appropriation to the book fund of the Library of Congress. (Stat., XVI, 375) .....	683
May 24, 1870:	
An act to incorporate the trustees of the Corcoran Gallery of Art, and for other purposes. (Stat., XVI, 139) .....	684
June 21, 1870:	
An act to incorporate a Zoological Society in the city of Washington, District of Columbia. (Stat., XVI, 157) .....	685
June 23, 1870:	
A resolution to admit free of duty certain printed chromos. (Stat., XVI, 668) .....	686
July 12, 1870:	
An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1871. (Stat., XVI, 230) .....	683, 686
July 15, 1870:	
An act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1871, and for other purposes. (Stat., XVI, 291) .....	686
February 2, 1871:	
A resolution for the appointment of General William T. Sherman a Regent of the Smithsonian Institution. (Stat., XVI, 593) .....	682
March 3, 1871:	
An act to provide for celebrating the one hundredth anniversary of American independence by holding an international exhibition of arts, manufactures, and products of the soil and mine, in the city of Philadelphia and State of Pennsylvania, in the year 1876. (Stat., XVI, 470) .....	687
March 3, 1871:	
An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1872. (Stat., XVI, 475) .....	684

## XXXVI ACTS AND JOINT RESOLUTIONS OF CONGRESS, 1835-1899.

	Page.
March 3, 1871:	
An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1872, and for other purposes. (Stat., XVI, 495) .....	686, 687
March 20, 1871:	
An act to amend "An act to establish the Smithsonian Institution for the increase and diffusion of knowledge among men," approved August 10, 1846. (Stat., XVII, 1) .....	689
April 20, 1871:	
Joint resolution giving the consent of Congress to Professor Joseph Henry, secretary of the Smithsonian Institution, to accept the title and regalia of a Commander of the Royal Norwegian Order of St. Olaf, conferred upon him by the King of Sweden and Norway, grand master of said order. (Stat., XVII, 643) .....	692
March 2, 1872:	
An act granting to James D. Dana the use of certain plates. (Stat., XVII, 646) .....	692
May 8, 1872:	
An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1873, and for other purposes. (Stat., XVII, 61) .....	692
May 18, 1872:	
An act making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1872, and for former years, and for other purposes. (Stat., XVII, 122) ..	693
May 23, 1872:	
An act making appropriations for the naval service for the year ending June 30, 1873, and for other purposes. (Stat., XVII, 145) .....	692
June 1, 1872:	
An act relative to the Centennial International Exhibition, to be held in the city of Philadelphia, State of Pennsylvania, in the year 1876. (Stat., XVII, 203) .....	694
June 8, 1872:	
An act to revise, consolidate, and amend the statutes relating to the Post-Office Department. (Stat., XVII, 283) .....	699
June 10, 1872:	
An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1873, and for other purposes. (Stat., XVII, 347) .....	692, 693, 699
February 14, 1873:	
Joint resolution to enable the people of the United States to participate in the advantages of the International Exposition to be held at Vienna in 1873. (Stat., XVII, 637) .....	698
March 3, 1873:	
An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874, and for other purposes. (Stat., XVII, 485) .....	693
March 3, 1873:	
An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1874, and for other purposes. (Stat., XVII, 510) .....	694, 699
January 19, 1874:	
Joint resolution filling existing vacancies in the Board of Regents of the Smithsonian Institution. (Stat., XVIII, pt. 3, 285) .....	717
June 5, 1874:	
An act in relation to the Centennial Exhibition. (Stat., XVIII, pt. 3, 53) ..	703

# ACTS AND JOINT RESOLUTIONS OF CONGRESS, 1835-1899. XXXVII

June 16, 1874:	Page.
An act to authorize medals commemorating the one hundredth anniversary of the first meeting of the Continental Congress and of the Declaration of Independence. (Stat., XVIII, pt. 3, 76).....	703
June 18, 1874:	
An act to admit free of duty articles intended for the International Exhibition of 1876. (Stat., XVIII, pt. 3, 82).....	703
June 20, 1874:	
An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1875, and for other purposes. (Stat., XVIII, pt. 3, 85).....	724, 729
June 20, 1874:	
An act providing for publication of the Revised Statutes and the laws of the United States. (Stat., XVIII, pt. 3, 113).....	724
June 22, 1874:	
Title LXXIII. The Smithsonian Institution. (Revised Stat. 1875, 1088).	724
June 22, 1874:	
Title IV. Provisions applicable to all the Executive Departments. (Revised Stat., 2d ed., 1878, 26).....	728
June 23, 1874:	
An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1875, and for other purposes. (Stat., XVIII, pt. 3, 204).....	729
June 23, 1874:	
An act for the relief of Mercy Ann Hall, widow of Captain Charles F. Hall. (Stat., XVIII, pt. 3, 614).....	728
December 28, 1874:	
Joint resolution filling an existing vacancy in the Board of Regents of the Smithsonian Institution. (Stat., XVIII, pt. 3, 523).....	718
March 3, 1875:	
An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1876, and for other purposes. (Stat., XVIII, pt. 3, 343).....	724, 729
March 3, 1875:	
An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes. (Stat., XVIII, pt. 3, 371).....	704, 729
March 3, 1875:	
An act making appropriations to supply deficiencies in the appropriations for fiscal years ending June 30, 1875, and prior years, and for other purposes. (Stat., XVIII, pt. 3, 402).....	705, 728
March 3, 1875:	
An act extending the privilege of the Library of Congress to the Regents of the Smithsonian Institution. (Stat., XVIII, pt. 3, 512).....	730
February 16, 1876:	
An act relating to the centennial celebration of American independence. (Stat., XIX, 3).....	743
April 17, 1876:	
An act to provide for the expenses of admission of foreign goods to the centennial exhibition at Philadelphia. (Stat., XIX, 34).....	745
May 1, 1876:	
An act making appropriations to supply deficiencies in the appropriations for the fiscal years ending June 30, 1876, and for prior years, and for other purposes. (Stat., XIX, 41).....	745

# XXXVIII ACTS AND JOINT RESOLUTIONS OF CONGRESS, 1835-1899.

July 20, 1876:	Page.
Joint resolution to amend the act approved June 18, 1874, relating to the admission of articles intended for the International Exhibition of 1876. (Stat., XIX, 214) .....	745
July 31, 1876:	
An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1877, and for other purposes. (Stat., XIX, 102) .....	742
August 3, 1876:	
Joint resolution providing for the restoration of the original Declaration of Independence. (Stat., XIX, 216) .....	730
August 15, 1876:	
An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes. (Stat., XIX, 143) .....	731, 742
August 15, 1876:	
An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1877, and for other purposes. (Stat., XIX, 176) .....	731
March 3, 1877:	
An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1878, and for other purposes. (Stat., XIX, 294) .....	731
March 3, 1877:	
An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1878, and for other purposes. (Stat., XIX, 344) .....	743
March 3, 1877:	
An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1877, and prior years, and for other purposes. (Stat., XIX, 363) .....	743
December 15, 1877:	
An act providing for the printing and distribution of the Biennial Register. (Stat., XX, 13) .....	791
December 15, 1877:	
Joint resolution in relation to the International Industrial Exposition to be held in Paris in 1878. (Stat., XX, 245) .....	792
January 26, 1878:	
Joint resolution filling an existing vacancy in the Board of Regents of the Smithsonian Institution. (Stat., XX, 247) .....	783
March 23, 1878:	
An act to authorize the granting of an American register to a foreign-built ship, for the purpose of the Woodruff Scientific Expedition around the world. (Stat., XX, 31) .....	789
March 25, 1878:	
Joint resolution filling an existing vacancy in the Board of Regents of the Smithsonian Institution. (Stat., XX, 249) .....	784
May 22, 1878:	
Joint resolution providing for the distribution and sale of the new edition of the Revised Statutes of the United States. (Stat., XX, 251) .....	791
June 14, 1878:	
An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1878, and prior years, and for those heretofore treated as permanent, for reappropriations, and for other purposes. (Stat., XX, 115) .....	800

June 19, 1878:	Page.
An act to protect public libraries in the District of Columbia, and for other purposes. (Stat., XX, 171).....	810
June 19, 1878:	
An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes. (Stat., XX, 178) .....	800
June 20, 1878:	
An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes. (Stat., XX, 206) .....	782, 794, 809, 810
June 20, 1878:	
An act to authorize Spencer F. Baird, assistant secretary of the Smithsonian Institution, to receive from the King of Sweden a diploma and medal constituting him a member of the Norwegian order of St. Olaf, the same being a literary and scientific organization. (Stat., XX, 584) .	789
December 13, 1878:	
An act to aid in the protection of the public buildings and property against loss and damage by fire. (Stat., XX, 257) .....	788
January 24, 1879:	
An act authorizing the Chancellor of the Smithsonian Institution to appoint an Acting Secretary in certain cases. (Stat., XX, 264).....	810
March 3, 1879:	
An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes. (Stat., XX, 355) .....	818
March 3, 1879:	
An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes. (Stat., XX, 377) .....	778, 779, 783, 788, 818
March 3, 1879:	
An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1879, and for prior years, and for those heretofore treated as permanent, and for other purposes. (Stat., XX, 410) .....	783
April 18, 1879:	
Joint resolution authorizing the printing of a portrait of the late Joseph Henry, to accompany the memorial volume heretofore ordered. (Stat., XXI, 48) .....	821
June 10, 1879:	
Joint resolution in relation to the international exhibitions to be held at Sydney and Melbourne, Australia, in 1879 and 1880. (Stat., XXI, 49) .	823
June 20, 1879:	
Joint resolution to print 5,000 copies of the final reports of the United States Centennial Commission upon the International Exhibition and Centennial Celebration of 1876. (Stat., XXI, 50).....	824
June 21, 1879:	
An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes. (Stat., XXI, 23) .....	855
June 27, 1879:	
Joint resolution to provide for the purchase of the stereotype plates of the final reports of the Centennial Commission upon the Centennial Exhibition of 1876. (Stat., XXI, 53) .....	824

**XL ACTS AND JOINT RESOLUTIONS OF CONGRESS, 1835-1899.**

	Page.
December 19, 1879:	
Joint resolution filling existing vacancies in the Board of Regents of the Smithsonian Institution. (Stat., XXI, 299).....	820
February 16, 1880:	
Joint resolution concerning an international fishery exhibition to be held in Berlin, Germany, in April, 1880. (Stat., XXI, 301).....	824
April 1, 1880:	
An act to authorize and direct the Commissioner of Agriculture to attend, in person or by deputy, the international sheep and wool show to be held in the Centennial buildings, Fairmount Park, Philadelphia, in September, A. D. 1880, and to make a full and complete report of the same, and for other purposes. (Stat., XXI, 70).....	827
April 23, 1880:	
An act to provide for celebrating the one hundredth anniversary of the treaty of peace and the recognition of American Independence by holding an international exhibition of arts, manufactures, and the products of the soil and mine in the city of New York, in the State of New York, in the year 1883. (Stat., XXI, 77) .....	827
May 3, 1880:	
An act making appropriations for the naval service for the fiscal year ending June 30, 1881, and for other purposes. (Stat., XXI, 82) .....	856
June 1, 1880:	
An act for the erection of a bronze statue of Joseph Henry, late Secretary of the Smithsonian Institution. (Stat., XXI, 154) .....	823
June 7, 1880:	
Joint resolution to provide for the publication and distribution of a supplement to the Revised Statutes. (Stat., XXI, 308) .....	869
June 15, 1880:	
An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1881, and for other purposes. (Stat., XXI, 210).....	856
June 16, 1880:	
An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1880, and prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes. (Stat., XXI, 238)...	823, 866
June 16, 1880:	
An act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1881, and for other purposes. (Stat., XXI, 259) .....	824, 841, 856, 863
June 16, 1880:	
An act making appropriations for the Agricultural Department of the Government for the fiscal year ending June 30, 1881, and for other purposes. (Stat., XXI, 292).....	827
February 9, 1881:	
An act making an appropriation for the flooring of the National Museum. (Stat., XXI, 324) .....	834
February 21, 1881:	
An act to provide for remitting the duties on the object of art awarded by the Berlin International Fishery Commission to Prof. Spencer F. Baird. (Stat., XXI, 608) .....	827
February 23, 1881:	
An act making appropriations for the naval service for the fiscal year ending June 30, 1882, and for other purposes. (Stat., XXI, 331) .....	856

<b>March 1, 1881:</b>	<b>Page.</b>
Joint resolution in relation to the international exhibition of 1883. (Stat., XXI, 520).....	828
<b>March 3, 1881:</b>	
An act making appropriations for the Agricultural Department of the Government for the fiscal year ending June 30, 1882, and for other purposes. (Stat., XXI, 381).....	827
<b>March 3, 1881:</b>	
An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes. (Stat., XXI, 385) .....	856
<b>March 3, 1881:</b>	
An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1881, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes. (Stat., XXI, 414) ..	824, 842, 868
<b>March 3, 1881:</b>	
An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes. (Stat., XXI, 435) .....	842, 856, 865
<b>March 3, 1881:</b>	
Joint resolution authorizing the Secretary of the Treasury to furnish States, for the use of agricultural colleges, one set of standard weights and measures, and for other purposes. (Stat., XXI, 521).....	843
<b>February 13, 1882:</b>	
An act to appropriate \$5,000 for packing, transporting, and arranging certain agricultural and mineral specimens. (Stat., XXII, 3).....	872
<b>March 6, 1882:</b>	
An act to provide for certain of the most urgent deficiencies in the appropriations for the fiscal year ending June 30, 1882, and for other purposes. (Stat., XXII, 7).....	913
<b>April 7, 1882:</b>	
An act to admit free of duty articles intended for exhibition at the national mining and industrial exposition to be held in the city of Denver in the year 1882. (Stat., XXII, 41).....	872
<b>June 28, 1882:</b>	
An act to admit free of duty articles intended for the exhibition of art and industry to be held at Boston, Mass., during the year 1883. (Stat., XXII, 116).....	883
<b>July 18, 1882:</b>	
Joint resolution concerning an International Fishery Exhibition to be held at London in May, 1883. (Stat., XXII, 387) .....	881
<b>August 5, 1882:</b>	
An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes. (Stat., XXII, 219).....	906
<b>August 5, 1882:</b>	
An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1882, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes. (Stat., XXII, 257) .....	915

**XLII ACTS AND JOINT RESOLUTIONS OF CONGRESS, 1835-1899.**

	<b>Page.</b>
August 7, 1882:	
An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes. (Stat., XXII, 302) .....	871, 906, 908, 915
August 8, 1882:	
An act for the relief of Mary E. Thomson. (Stat., XXII, 738) .....	871
February 10, 1883:	
An act to encourage the holding of a World's Industrial and Cotton Centennial Exposition in the year 1884. (Stat., XXII, 413) .....	887
February 24, 1883:	
Joint resolution accepting the invitation of the regents of the Smithsonian Institute to attend the inauguration of the statue of Joseph Henry. (Stat., XXII, 639) .....	920
February 26, 1883:	
Joint resolution to provide for admission free of duty of articles intended for a special exhibition of machinery, tools, implements, apparatus, and so forth, for the generation and application of electricity, to be held at Philadelphia, by the Franklin Institute. (Stat., XXII, 639) .....	890
March 3, 1883:	
An act to admit free of duty articles intended for the National Mining and Industrial Exposition to be held at Denver, in the State of Colorado, during the year 1883. (Stat., XXII, 481) .....	872
March 3, 1883:	
An act relative to the Southern Exposition to be held in the city of Louisville, State of Kentucky, in the year 1883. (Stat., XXII, 481) .....	890
March 3, 1883:	
An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes. (Stat., XXII, 531) .....	907
March 3, 1883:	
An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1883, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes. (Stat., XXII, 582) .....	917
March 3, 1883:	
An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884, and for other purposes. (Stat., XXII, 603) .....	871, 883, 893, 907, 916
March 3, 1883:	
Joint resolution to print 5,000 copies of the report of the Board on behalf of the United States Executive Departments at the International Exhibition of 1876. (Stat., XXII, 640) .....	887
March 3, 1884:	
Joint resolution filling an existing vacancy in the Board of Regents of the Smithsonian Institution. (Stat., XXIII, 269) .....	939
May 13, 1884:	
An act to provide for the appointment of an Acting Secretary of the Smithsonian Institution. (Stat., XXIII, 21) .....	952
May 13, 1884:	
Joint resolution filling an existing vacancy in the Board of Regents of the Smithsonian Institution. (Stat., XXIII, 272) .....	939
May 21, 1884:	
An act to make a loan to aid in the celebration of the World's Industrial and Cotton Centennial Exposition. (Stat., XXIII, 28) .....	953

June 26, 1884:	Page.
Joint resolution for printing the annual reports of the Bureau of Ethnology. (Stat., XXIII, 275).....	942
July 5, 1884:	
An act making appropriations for the support of the Army for the fiscal year ending June 30, 1885, and for other purposes. (Stat., XXIII, 107) ..	944
July 5, 1884:	
An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes. (Stat., XXIII, 156).....	961
July 7, 1884:	
An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes. (Stat., XXIII, 159).....	933
July 7, 1884:	
An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes. (Stat., XXIII, 194) .....	932, 933, 944, 947, 955, 957, 962
July 7, 1884:	
An act making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1885, and for other purposes. (Stat., XXIII, 227).....	933
July 7, 1884:	
An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1884, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes. (Stat., XXIII, 236) .....	948, 957, 962
February 9, 1885:	
Joint resolution providing for the printing and distribution of the Descriptive Catalogue of Government Publications. (Stat., XXIII, 516).....	968
March 2, 1885:	
An act providing for the erection of a building to contain the records, library, and museum of the Medical Department, United States Army. (Stat., XXIII, 339).....	938
March 3, 1885:	
An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes. (Stat., XXIII, 388).....	934
March 3, 1885:	
An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for prior years, and for other purposes. (Stat., XXIII, 446) .....	948, 956
March 3, 1885:	
An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes. (Stat., XXIII, 478) .....	932, 933, 948, 956
March 3, 1885:	
Joint resolution to provide for printing the annual reports of the Smithsonian Institution. (Stat., XXIII, 520) .....	959
December 26, 1885:	
Joint resolution filling existing vacancies in the Board of Regents of the Smithsonian Institution. (Stat., XXIV, 339).....	972

# XLIV ACTS AND JOINT RESOLUTIONS OF CONGRESS, 1835-1899.

	Page.
July 31, 1886:	
An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes. (Stat., XXIV, 172).....	979
August 4, 1886:	
An act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes. (Stat., XXIV, 222) .....	979, 981, 1031, 1042
August 4, 1886:	
An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1886, and for prior years, and for other purposes. (Stat., XXIV, 256) .....	1032
August 5, 1886:	
Joint resolution accepting from Julia Dent Grant and William H. Vanderbilt objects of value and art presented by various foreign governments to the late Gen. Ulysses S. Grant. (Stat., XXIV, 348) .....	1011
August 5, 1886:	
Joint resolution to print the annual bulletins of the Bureau of Ethnology. (Stat., XXIV, 349) .....	1008
January 19, 1887:	
Joint resolution appointing James B. Angell a member of the Board of Regents of the Smithsonian Institution. (Stat., XXIV, 644).....	973
March 3, 1887:	
An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes. (Stat., XXIV, 509) .....	979, 980, 981, 1031, 1033
March 3, 1887:	
An act relative to the Minneapolis Industrial Exposition, to be held annually in the city of Minneapolis, State of Minnesota. (Stat., XXIV, 560) .....	1039
March 3, 1887:	
An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes. (Stat., XXIV, 594) .....	980, 1840
March 3, 1887:	
Joint resolution authorizing the several Executive Departments of the Government to loan to the Minneapolis Industrial Exposition certain articles for exhibit. (Stat., XXIV, 648).....	1040
February 1, 1888:	
Relating to the invitation of the British Government to the Government of the United States to participate in the international exhibition at Melbourne to celebrate the founding of New South Wales. (Stat., XXV, 617). .....	1113
February 15, 1888:	
Joint resolution appointing Andrew D. White a member of the Board of Regents of the Smithsonian Institution. (Stat., XXV, 617) .....	1110
March 30, 1888:	
An act to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1888, and for other purposes. (Stat., XXV, 47) .....	1045
April 11, 1888:	
Joint resolution appropriating \$25,000 for the international exhibition in Barcelona, Spain. (Stat., XXV, 620) .....	1114
April 19, 1888:	
An act to purchase of the widow and children of the late Gen. James Shields certain swords. (Stat., XXV, 86) .....	1128

	Page.
May 10, 1888:	
Joint resolution accepting the invitation of the French Republic to take part in an international exposition to be held in Paris in 1889. (Stat., XXV, 620) .....	1114
May 11, 1888:	
Joint resolution appropriating \$30,000 for the International Exhibition in Brussels, Belgium. (Stat., XXV, 622) .....	1119
May 28, 1888:	
An act making an appropriation to enable the several Executive Departments of the Government and the Bureau of Agriculture and the Smithsonian Institution, including the National Museum and Commission of Fish and Fisheries, to participate in the Centennial Exposition of the Ohio Valley and Central States, to be held at Cincinnati, Ohio, from July 4 to October 27, 1888. (Stat., XXV, 159) .....	1119
July 11, 1888:	
An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes. (Stat., XXV, 256) .....	1146
July 16, 1888:	
Joint resolution declaring the true intent and meaning of the act approved May 28, 1888. (Stat., XXV, 626) .....	1121
September 26, 1888:	
An act for the relief of Semon Bache & Co. (Stat., XXV, 1190) .....	1113
October 2, 1888:	
An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes. (Stat., XXV, 505) .....	1045, 1104, 1148, 1236, 1258, 1267, 1268
October 19, 1888:	
An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes. (Stat., XXV, 565) .....	1258
October 20, 1888:	
Joint resolution authorizing the exhibits made by the Government at the Centennial Exposition of the Ohio Valley and Central States at Cincinnati, Ohio, to remain at said Exposition until and including the 15th day of November, 1888. (Stat., XXV, 634) .....	1122
January 4, 1889:	
An act to incorporate the American Historical Association. (Stat., XXV, 640) .....	1223
February 26, 1889:	
An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes. (Stat., XXV, 705) .....	1149
March 2, 1889:	
An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1890, and for other purposes. (Stat., XXV, 793) .....	1219
March 2, 1889:	
An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes. (Stat., XXV, 905) .....	1258
March 2, 1889:	
An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes. (Stat., XXV, 939) .....	1045, 1149, 1238, 1258

**XLVI ACTS AND JOINT RESOLUTIONS OF CONGRESS. 1835-1899.**

	<b>Page.</b>
<b>April 15, 1890:</b>	
An act to admit free of duty articles intended for the St. Louis Exposition in 1890, which may be imported from the Republic of Mexico and other American Republics and the Dominion of Canada. (Stat., XXVI, 55) ..	1514
<b>April 25, 1890:</b>	
An act to provide for celebrating the four hundredth anniversary of the discovery of America by Christopher Columbus by holding an international exhibition of arts, industries, manufactures, and the product of the soil, mine, and sea in the city of Chicago, in the State of Illinois. (Stat., XXVI, 62) .....	1506
<b>May 22, 1890:</b>	
Joint resolution to fill vacancies in the Board of Regents of the Smithsonian Institution. (Stat., XXVI, 673) .....	1274
<b>June 18, 1890:</b>	
An act for the relief of the Southern Exposition at Louisville, Ky. (Stat., XXVI, 162) .....	1514
<b>July 11, 1890:</b>	
An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes. (Stat., XXVI, 228) .....	1497
<b>August 30, 1890:</b>	
An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes. (Stat., XXVI, 371) .....	1278, 1327, 1499, 1542, 1544
<b>September 27, 1890:</b>	
An act authorizing the establishing of a public park in the District of Columbia. (Stat., XXVI, 492) .....	1303
<b>September 30, 1890:</b>	
An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1890, and for prior years, and for other purposes. (Stat., XXVI, 504) .....	1327, 1499, 1544
<b>March 3, 1891:</b>	
An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes. (Stat., XXVI, 862) .....	1327, 1499
<b>March 3, 1891:</b>	
An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1892, and for other purposes. (Stat., XXVI, 908) .....	1500
<b>March 3, 1891:</b>	
An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1892, and for other purposes. (Stat., XXVI, 948) .....	1291, 1328, 1333, 1500, 1513, 1527, 1542, 1546
<b>January 26, 1892:</b>	
Joint resolution to fill vacancies in the Board of Regents of the Smithsonian Institution. (Stat., XXVII, 393) .....	1555
<b>March 8, 1892:</b>	
An act making appropriations to supply a deficiency in the appropriation for the expenses of the Eleventh Census, and for other purposes. (Stat., XXVII, 5) .....	1570
<b>March 18, 1892:</b>	
An act ratifying the act of the sixteenth territorial legislative assembly of Arizona, approved March 19, 1891, making appropriation in aid of Arizona's exhibit at the World's Columbian Exposition. (Stat., XXVII, 7) ..	1584
<b>March 24, 1892:</b>	
Joint resolution authorizing the Librarian of Congress to exhibit certain documents at the World's Columbian Exposition. (Stat., XXVII, 394) ..	1584

April 6, 1892:		Page.
An act to protect foreign exhibitors at the World's Columbian Exposition from prosecution for exhibiting wares protected by American patents and trade-marks. (Stat., XXVII, 14).....		1585
April 12, 1892.		
Joint resolution to encourage the establishment and endowment of institutions of learning at the national capital by defining the policy of the Government with reference to the use of its literary and scientific collections by students. (Stat., XXVII, 395).....		1595
May 12, 1892:		
An act to authorize a national bank at Chicago, Ill., to establish a branch office upon the grounds of the World's Columbian Exposition. (Stat., XXVII, 33) .....		1585
May 13, 1892:		
An act to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1892, and for other purposes. (Stat., XXVII, 33).....		1583
June 6, 1892:		
An act to enable the Centennial Board of Finance, incorporated by an act approved June 1, 1872, to close its affairs, and dissolving said corporation. (Stat., XXVII, 45) .....		1595
July 13, 1892:		
An act making appropriations for the service of the Post-office Department for the fiscal year ending June 30, 1893. (Stat., XXVII, 145) ...		1585
July 16, 1892:		
An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1893, and for other purposes. (Stat., XXVII, 183).....		1549
July 19, 1892:		
An act making appropriations for the naval service for the fiscal year ending June 30, 1893, and for other purposes. (Stat., XXVII, 236).....		1585
July 23, 1892:		
Joint resolution requesting the loan of certain articles for the World's Columbian Exposition. (Stat., XXVII, 399).....		1586
July 26, 1892:		
Joint resolution authorizing the Secretary of the Interior to prepare and send to the World's Columbian Exposition models, drawings, etc., prepared or invented by women. (Stat., XXVII, 400).....		1586
July 28, 1892:		
An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1892, and for prior years, and for other purposes. (Stat., XXVII, 282) .....	1549, 1572, 1581	
August 4, 1892:		
An act changing the date for the dedication of the buildings of the World's Columbian Exposition. (Stat., XXVII, 347).....		1586
August 5, 1892:		
An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1893, and for other purposes. (Stat., XXVII, 349).....	1549, 1551, 1552, 1572, 1581, 1584, 1586, 1628	
August 5, 1892:		
An act to aid in carrying out the act of Congress, approved April 25, 1890, entitled "An act to provide for celebrating the four hundredth anniversary of the discovery of America by Christopher Columbus, by holding an international exposition of arts, industries, manufactures, and products of the soil, mine, and sea, in the city of Chicago, in the State of Illinois," and appropriating money therefor. (Stat., XXVII, 389) ..		1588

**XLVIII ACTS AND JOINT RESOLUTIONS OF CONGRESS, 1835-1899.**

	Page.
August 5, 1892:	
Joint resolution extending an invitation to the King and Queen of Spain and the descendants of Columbus to participate in the World's Columbian Exposition. (Stat., XXVII, 401) .....	1590
August 5, 1892:	
Joint resolution authorizing foreign exhibitors at the World's Columbian Exposition to bring to this country foreign laborers from their respective countries for the purpose of preparing for and making their exhibits. (Stat., XXVII, 402) .....	1590
January 9, 1893:	
Joint resolution to fill vacancies in the Board of Regents of the Smithsonian Institution. (Stat., XXVII, 752) .....	1557
March 3, 1893:	
An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1894, and for other purposes. (Stat., XXVII, 572) .....	1547, 1550, 1551, 1552, 1562, 1574, 1582, 1592
March 3, 1893:	
An act making appropriations for current and contingent expenses, and fulfilling treaty stipulations with Indian tribes, for fiscal year ending June 30, 1894. (Stat., XXVII, 612) .....	1594
March 3, 1893:	
An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1893, and for prior years, and for other purposes. (Stat., XXVII, 646) .....	1550, 1582
March 3, 1893:	
An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1894, and for other purposes. (Stat., XXVII, 675) .....	1550, 1632
March 3, 1893:	
An act making appropriations for the naval service for the fiscal year ending June 30, 1894, and for other purposes. (Stat., XXVII, 715) ..	1840
March 3, 1893:	
An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1894. (Stat., XXVII, 732) .....	1594
March 3, 1893:	
Joint resolution authorizing the Secretary of the Smithsonian Institution to send articles illustrative of the life and development of the industries of women to the World's Columbian Exposition. (Stat., XXVII, 757) .....	1584
March 3, 1893:	
Joint resolution authorizing the loan, for exhibition at the World's Columbian Exposition, of certain paintings therein stated. (Stat., XXVII, 757) .....	1595
September 1, 1893:	
An act in aid of the California Midwinter International Exposition. (Stat., XXVIII, 1) .....	1635
October 28, 1893:	
Joint resolution that the acknowledgments of the Government and people of the United States be tendered to various foreign governments of the world who have participated in commemoration of the discovery of America by Christopher Columbus. (Stat., XXVIII, 13) .....	1636
November 3, 1893:	
Joint resolution to amend the act, approved April 25, 1890, relating to the admission of articles intended for the World's Columbian Exposition. (Stat., XXVIII, 13) .....	1636

November 3, 1893:	Page.
Joint resolution transferring the exhibit of the Navy Department, known as the model battle ship Illinois, to the State of Illinois, as a naval armory for the use of the naval militia of the State of Illinois, on the termination of the World's Columbian Exposition. (Stat., XXVIII, 14).	1636
December 15, 1893:	
Joint resolution conferring diplomas upon designers, inventors, and expert artisans. (Stat., XXVIII, 575).....	1636
December 21, 1893:	
An act making appropriations to supply further urgent deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for prior years, and for other purposes. (Stat., XXVIII, 16).....	1661
January 27, 1894:	
An act to amend section 3709 of the Revised Statutes, relating to contracts for supplies in the Departments at Washington. (Stat., XXVIII, 33) ..	1671
March 12, 1894:	
An act to amend an act entitled "An act to establish the Smithsonian Institution for the increase and diffusion of knowledge among men," being Title LXXIII of the Revised Statutes. (Stat., XXVIII, 41)....	1685
March 12, 1894:	
An act making appropriations to supply further urgent deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for prior years, and for other purposes. (Stat., XXVIII, 41).....	1668
March 12, 1894:	
Joint resolution providing for the appointment of a commission to the Antwerp International Exposition. (Stat., XXVIII, 578).....	1639
March 19, 1894:	
Joint resolution to fill a vacancy in the Board of Regents of the Smithsonian Institution. (Stat., XXVIII, 579) .....	1633
July 31, 1894:	
An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes. (Stat., XXVIII, 162) .....	1674
August 3, 1894:	
An act to exempt the articles of foreign exhibitors at the interstate fair at Tacoma, Wash., from the payment of duties. (Stat., XXVIII, 224)...	1639
August 7, 1894:	
An act making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1895, and for other purposes. (Stat., XXVIII, 243).....	1690
August 18, 1894:	
An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes. (Stat., XXVIII, 372) .....	1637, 1641, 1668, 1674, 1676, 1677, 1692, 1694
August 23, 1894:	
An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for prior years, and for other purposes. (Stat., XXVIII, 424) .....	1643, 1669, 1694
January 8, 1895:	
An act to exempt the articles of foreign exhibitors at the Portland Universal Exposition, at Portland, Oregon, from the payment of duties. (Stat., XXVIII, 600).....	1643

**L      ACTS AND JOINT RESOLUTIONS OF CONGRESS, 1835-1899.**

	<b>Page.</b>
<b>January 12, 1895:</b>	
An act providing for the public printing and binding and the distribution of public documents. (Stat., XXVIII, 601).....	1695
<b>January 21, 1895:</b>	
Joint resolution authorizing foreign exhibitors at the Cotton States and International Exposition, to be held in Atlanta, Ga., in 1895, to bring to this country foreign laborers from their respective countries for the purpose of preparing for and making their exhibits. (Stat., XXVIII, 967).	1642
<b>February 27, 1895:</b>	
Joint resolution to fill vacancies in the Board of Regents of the Smithsonian Institution. (Stat., XXVIII, 972) .....	1634
<b>March 2, 1895:</b>	
An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes. (Stat., XXVIII, 764).....	1675
<b>March 2, 1895:</b>	
An act making appropriations for the naval service for the fiscal year ending June 30, 1896, and for other purposes. (Stat., XXVIII, 825).....	1638
<b>March 2, 1895:</b>	
An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1895, and for prior years, and for other purposes. (Stat., XXVIII, 843).....	1638
<b>March 2, 1895:</b>	
An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes. (Stat., XXVIII, 910) .....	1638, 1644, 1669, 1674, 1676, 1677, 1691, 1694
<b>January 14, 1896:</b>	
Joint resolution for filling vacancy on Board of Regents, Smithsonian Institution. (Stat., XXIX, 461) .....	1738
<b>February 20, 1896:</b>	
An act to incorporate The National Society of the Daughters of the American Revolution. (Stat., XXIX, 8).....	1742
<b>February 26, 1896:</b>	
An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes. (Stat., XXIX, 17) .....	1746
<b>March 13, 1896:</b>	
Joint resolution authorizing the Secretary of the Treasury to distribute the medals and diplomas awarded by the World's Columbian Commission to the exhibitors entitled thereto. (Stat., XXIX, 466).....	1747
<b>May 18, 1896:</b>	
Joint resolution authorizing foreign exhibitors at the Tennessee Centennial Exposition, to be held in Nashville, Tenn., in 1897, to bring to this country foreign laborers from their respective countries for the purpose of preparing for and making their exhibits, and allowing articles imported from foreign countries for the sole purpose of exhibition at said exposition to be imported free of duty, under regulations prescribed by the Secretary of the Treasury. (Stat., XXIX, 473).....	1748
<b>May 28, 1896:</b>	
An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes. (Stat., XXIX, 140).....	1707
<b>June 8, 1896:</b>	
An act to regulate mail matter of the fourth class. (Stat., XXIX, 262) ..	1746

**LII     ACTS AND JOINT RESOLUTIONS OF CONGRESS, 1835-1899.**

	Page.
February 17, 1898:	
Joint resolution accepting the invitation of the Government of Norway to take part in an International Fisheries Exposition to be held at the city of Bergen, Norway, from May to September, anno Domini 1898. (Stat., XXX, 734) .....	1795
March 15, 1898:	
An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes. (Stat., XXX, 277) .....	1810, 1829
April 29, 1898:	
An act to approve a compromise and settlement between the United States and the State of Arkansas. (Stat., XXX, 367) .....	1786
May 18, 1898.	
Joint resolution authorizing the Secretary of the Treasury to rent lighting apparatus for Government building at Trans-Mississippi and International Exposition. (Stat., XXX, 743) .....	1791
July 1, 1898:	
An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1899, and for other purposes. (Stat., XXX, 571) .....	1841
July 1, 1898:	
An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes. (Stat., XXX, 597) .....	1788, 1792, 1811, 1813, 1821, 1834, 1836
July 7, 1898:	
An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, and for other purposes. (Stat., XXX, 652) .....	1788, 1796, 1806, 1813, 1826
July 8, 1898:	
Joint resolution regarding the holding of a Pan-American Exposition in the year 1901 upon Cayuga Island, between the cities of Buffalo and Niagara Falls, in the State of New York, to illustrate the development of the Western Hemisphere during the nineteenth century. (Stat., XXX, 752) .....	1796
December 21, 1898:	
An act providing for a national exposition of American products and manufactures at the city of Philadelphia for the encouragement of the export trade. (Stat., XXX, 768) .....	1842
January 24, 1899:	
Joint resolution to fill vacancies in the Board of Regents of the Smithsonian Institution. (Stat., XXX, 1387) .....	1776
February 24, 1899:	
An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1900, and for other purposes. (Stat., XXX, 846) .....	1811
March 1, 1899:	
Joint resolution authorizing foreign exhibitors at the Commercial Exposition to be held in Philadelphia, Pa., in 1899, to bring to this country foreign laborers from their respective countries for the purpose of preparing for and making their exhibits under regulations prescribed by the Secretary of the Treasury. (Stat., XXX, 1390) .....	1844
March 3, 1899:	
An act for the protection of birds, preservation of game, and for the prevention of its sale during certain closed seasons in the District of Columbia. (Stat., XXX, 1012) .....	1826

<b>March 3, 1899:</b>	<b>Page.</b>
An act to encourage the holding of a Pan-American Exposition on the Niagara frontier, within the county of Erie or Niagara, in the State of New York, in the year 1901. (Stat., XXX, 1022).....	1797
<b>March 3, 1899:</b>	
An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1900, and for other purposes. (Stat., XXX, 1074).....	1788, 1794, 1811, 1813, 1822, 1836, 1837
<b>March 3, 1899:</b>	
An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1899, and for prior years, and for other purposes. (Stat., XXX, 1214) .....	1812
<b>March 3, 1899:</b>	
An act to encourage the holding of the Ohio Centennial and Northwest Territory Exposition at the city of Toledo, Ohio. (Stat., XXX, 1346) ..	1802



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**THE ORIGIN AND THE LEGISLATIVE HISTORY OF THE  
SMITHSONIAN INSTITUTION FROM 1835 TO 1899.**

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**PART I.**

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**WILL OF JAMES SMITHSON—CORRESPONDENCE, ETC.,  
RELATIVE TO THE BEQUEST.**

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## THE WILL OF JAMES SMITHSON.

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SMITHSON Son to Hugh, first Duke of Northumberland, & Heiress of the Hungerfords of Studley, & Niece to Charles Duke of Somerset, now residing in Bentinck Street, Cavendish Square, do this twenty-third day of October, one thousand eight hundred and twenty-six, make this my last Will and Testament:

With the whole of my property of every nature & kind soever I possess, Messrs. Drummonds of Charing Cross, in trust, to be disposed of in the following manner, and I desire of my said Executors to put my property under the management of the Court of

John Fitall, formerly my Servant, but now employed in the Bank of England, and residing at No. 27, Jubilee Place, North Mile end, in consideration of his attachment & fidelity to me, & the long & great care he has taken of my effects, & my having done but very little for him, I give and bequeath the Annuity or annual sum of One hundred pounds sterling for his life, to be paid to him quarterly, free of legacy duty & all other deductions, the first payment to be made to him at the expiration of three months after my death. I have at divers times lent sums of money to Henry Honore Saily, formerly my Servant, but now keeping the Hungerford Hotel, in the rue Caumartin at Paris, & for which sums of money I have undated bills or bonds signed by him. Now, I will & direct that if he desires it, these sums of money be let remain in his hands at an Interest of five per cent. for five years after the date of the present Will.

To Henry James Hungerford, my Nephew, heretofore called Henry James Dickinson, son to my late brother, Lieutenant-Colonel Henry Louis Dickinson, now residing with Mr. Auboin, at Bourg la Reine, near Paris, I give and bequeath for his life the whole of the income arising from my property of every nature & kind whatever, after the payment of the above Annuity, & after the death of John Fitall, that Annuity likewise, the payments to be made to him at the time of the interest or dividends becomes due on the Stocks or other property from which the income arises.

Should the said Henry James Hungerford have a child or children, legitimate or illegitimate, I leave to such child or children, his or their heirs, executors, & assigns, after the death of his, or her, or their Father,

the whole of my property of every kind absolutely & forever, to be divided between them, if there is more than one, in the manner their father shall judge proper, or, in case of his omitting to decide this, as the Lord Chancellor shall judge proper.

Should my said Nephew, Henry James Hungerford, marry, I empower him to make a jointure.

In the case of the death of my said Nephew without leaving a child or children, or the death of the child or children he may have had under the age of twenty-one years or intestate, I then bequeath the whole of my property, subject to the Annuity of One hundred pounds to John Fitall, & for the security & payment of which I mean Stock to remain in this Country, to the United States of America, to found at Washington, under the name of the Smithsonian Institution, an Establishment for the increase & diffusion of knowledge among men.

I think it proper here to state, that all the money which will be standing in the French five per cents. at my death in the names of the father of my above mentioned Nephew, Henry James Hungerford, & all that in my names, is the property of my said Nephew, being what he inherited from his father, or what I have laid up for him from the savings upon his income.

JAMES SMITHSON. [L. s.]

## CORRESPONDENCE.

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*Clarke, Fynmore & Fladgate to A. Vail, Chargé d'Affaires of the United States, London.*

CRAVEN STREET, STRAND [LONDON], *July 21, 1835.*

SIR: We send you, inclosed, the copy of a will of Mr. Smithson, on the subject of which we yesterday did ourselves the pleasure of waiting upon you, and we avail ourselves of the opportunity to repeat, in writing, what we verbally communicated.

Pursuant to the instructions contained in the will, an amicable suit was, on the death of the testator, instituted in chancery by Mr. Hungerford against Messrs. Drummond, the executors, under which suit the assets were realized. They were very considerable; and there is now standing, in the name of the accountant-general of the court of chancery, on the trusts of the will, stock amounting in value to about £100,000. During Mr. Hungerford's life he received the income arising from this property; but news has just reached England that Mr. Hungerford has died abroad, leaving no child surviving him.

It now becomes necessary that measures should be taken for the purpose of getting the decision of the court of chancery as to the further disposition of the property. On reference to the will it will appear that it is not very clearly defined to whom, on behalf of the United States, the property should be paid or transferred; indeed, there is so much doubt that we apprehend that the attorney-general must, on behalf of the Crown of England, be joined in the proceedings which it is requisite that the United States should institute.

We act in this matter for Messrs. Drummond, the bankers, who are mere stakeholders, and who are ready to do all in their power to facilitate getting the decision of the court and carrying into effect the testator's intentions.

We shall therefore be happy to communicate with such professional advisers as your Government may think fit to appoint to act for them in this country. In the meantime we may perhaps be permitted to add that it is perfectly competent for us to carry on the proceedings on behalf of the United States, and possibly some expense and delay may be avoided by our so doing.

Having thus briefly stated the nature of the business, we at present abstain from making any suggestions as to the party in whose name

proceedings should be adopted, considering the point should be determined by our counsel here, after the opinion of the proper law officers in the States has been taken on the subject.

Any further information you may require we shall be happy to give you, and are, sir, your most obedient servants,

CLARKE, FYNMORE & FLADGATE.

A. VAIL, Esq., 49 York Terrace.

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*A. Vail to John Forsyth.*

LEGATION OF THE UNITED STATES,

*London, July 28, 1835.*

SIR: The papers which I have the honor herewith to communicate to you will acquaint you with the particulars of a bequest of property to a large amount left to the United States by a Mr. James Smithson, for the purpose, as stated in the will, of founding at Washington an institution "for the increase and diffusion of knowledge among men."

\* \* \* The letter of Messrs. Clarke, Fynmore & Fladgate, the solicitors, by whom I was apprised of the existence of the will, together with the inquiries I have made, leave no doubt of its having been established and its dispositions recognized by the court of chancery, the first legatee under it having for several years and to the time of his death received the income of the property, which is stated to have amounted to upward of £4,000 per annum.

According to the view taken of the case by the solicitors, it is now for the United States, in the event of their accepting the bequest and the trust coupled with it, to come forward by their representative and make themselves parties to an amicable suit before the lord chancellor for the purpose of legally establishing the fact of the demise of the first legatee without children and intestate, prove their claim to the benefit of the will, and obtain a decree in chancery awarding them the proceeds of the estate. Messrs. Clarke, Fynmore & Fladgate are willing to undertake the management of the suit on the part of the United States and, from what I have learned of their standing, may safely be confided in. Not being acquainted with the exact structure of our institutions, they are not able to point out the exact manner in which the United States should be represented in the contemplated suit, but they believe that their diplomatic agent here, if constituted for that purpose the legal representative of the President, would be recognized by the court of chancery as the proper organ of the United States for all the purposes of the will.

Should it be thought unnecessary to await the action of Congress to authorize the institution of the requisite legal proceedings, and should the course suggested by the solicitors meet the views of the President, his power of attorney authorizing the diplomatic agent here to act in

his name will, I apprehend, be necessary; and as the suit will involve some expense not connected with the contingent fund of the legation, your instructions upon this branch of the subject will likewise be desirable.

I am, sir, with great respect, your obedient servant,

A. VAIL.

JOHN FORSYTH, Esq.,

*Secretary of State of the United States, Washington.*

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*John Forsyth to Aaron Vail.*

DEPARTMENT OF STATE,

*Washington, September 26, 1835.*

SIR: I have the honor to acknowledge the receipt of your dispatch of July 28 last (No. 197), relative to a bequest of property to a large amount left to the United States by Mr. James Smithson for the purpose of founding at Washington an institution "for the increase and diffusion of knowledge among men," and to inform you that your letter and the papers which accompanied it have been submitted to the President, who has determined to lay the subject before Congress at its next session. The result of its deliberations, when obtained, shall be communicated to you, with the necessary instructions.

Of the course intended to be pursued in relation to this matter, as above explained, you will take occasion to acquaint the solicitors who apprised you of the existence of Mr. Smithson's will.

I am, sir, your obedient servant,

JOHN FORSYTH.

AARON VAIL, Esq.,

*Chargé d'Affaires of the United States, London.*

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*John Forsyth to Richard Rush.*

DEPARTMENT OF STATE, *July 11, 1836.*

SIR: I have the honor to inform you that the President, in pursuance of an act of Congress passed at their recent session, has been pleased to appoint you the agent of the United States to assert and prosecute their claim to the legacy bequeathed to them by James Smithson, late of London, deceased. Your power of attorney or commission is herewith remitted, with an authenticated copy of the act referred to annexed to it. It is the wish of the President that you should, in the event of your acceptance of this trust, embark for London without unnecessary loss of time, to enter on the duties of the appointment. Previously to leaving the United States, however, it will be necessary, in compliance with the provisions of the accom-

panying act of Congress, to execute to and deposit with the Secretary of the Treasury, with good and sufficient securities to his satisfaction, a bond or bonds, in the penal sum of \$500,000, for the proper performance of those duties and for the faithful remittance to the Treasury of the United States of such sum or sums of money or other funds as you may receive in virtue of said bequest.

The compensation to be allowed you for your services in this capacity will be at the rate of \$3,000 per annum for your personal services and at the rate of \$2,000 for all contingencies except the law expenses, compensation to begin from the day you report yourself ready to enter on the duties of the office. An account of the law expenses, with vouchers, will be required.

A letter of credit on M. de Rothschild, the banker of the United States at London, authorizing him to pay your drafts for compensation and for the necessary expenses actually incurred in the prosecution of this claim, is also inclosed, limited to \$10,000, being the whole amount appropriated by Congress for that object.

I am, sir, your obedient servant,

JOHN FORSYTH.

RICHARD RUSH, Esq., etc.

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*Richard Rush to Clarke, Fynmore & Fladgate.*

PORTLAND HOTEL, GREAT PORTLAND STREET,

LONDON, *September 14, 1836.*

GENTLEMEN: Referring to your correspondence with the chargé d'affaires of the United States in July, 1835, on the Smithsonian bequest to the United States, I beg leave to inform you that I have arrived here with full power from the President, founded on an act of Congress, to assert the right of the United States to that bequest and receive the money. I should be happy to have an interview with you on this subject, to which end I ask the favor of you to call upon me on Friday morning at 11 o'clock, or, should that be inconvenient to you, at such other time, near at hand, as you will have the goodness to name.

I remain your most obedient servant,

RICHARD RUSH.

MESSRS. CLARKE, FYNMORE & FLADGATE,  
*Solicitors, Craven Street, Strand.*

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*Richard Rush to John Forsyth.*

LONDON, *September 24, 1836.*

SIR: I had the honor to inform you on the 31st of August of my arrival at Liverpool, having embarked in the first ship that sailed

from New York after my letter of the 1st of August informing you that I was ready.

I reached this city the early part of the present month, and as soon as circumstances would permit entered upon the duty which the President's power of attorney devolves upon me.

Towards asserting and prosecuting with effect before the legal tribunals of England the claim of the United States to the legacy bequeathed to them by James Smithson, of London, to found at Washington an institution "for the increase and diffusion of knowledge among men," the first consideration which seemed to present itself was the selection of fit legal characters here, through whose aid and instrumentality the incipient steps could alone be judiciously marked out or adopted. In a country where the profession of the law is known to be so subdivided as in this, I regarded it important that not only the counsel whose services it may ultimately become necessary to engage, but the solicitors to be approached in the first instance, should have a standing suited to the nature of the case and the dignity of the constituent I represent. The letter addressed you in July, 1835, by the late *chargé d'affaires* of the United States at this court, left little doubt, indeed, that Messrs. Clarke, Fynmore & Fladgate were proper solicitors; yet, as the President's power to me and your instructions appeared to place the whole subject anew in my hands, some previous inquiry into their standing seemed necessary on my part. This I set on foot, and am glad to say that it ended to my satisfaction, the more as their connection with the case in its origin naturally pointed to their selection, other grounds continuing to justify it.

Accordingly, on the 14th instant, I addressed a note to these solicitors informing them that I had arrived in this country with full power from the President, founded upon an act of Congress, to assert the right of the United States to the Smithsonian bequest and receive the money, and requesting that they would call upon me on the 16th. A copy of my note is inclosed. This is a season of the year when professional and official business of every kind is much at a pause in London, and those who conduct it dispersed. It was not until the 20th that I was enabled to command an interview with these gentlemen, when two of them, Mr. Clarke and Mr. Fladgate, waited upon me, the latter having previously called, after receiving my note, to mention the absence of his associates from town. With these two I had the preliminary conversation suited to a first interview. They chiefly went over the grounds stated in their note of the 21st of July to our *chargé d'affaires*, Mr. Vail, in some points enlarging them and giving new particulars. They said that James Smithson, the testator, died in June, 1829; that his will was proved in the prerogative court of Canterbury by Mr. Charles Drummond, one

of the executors and one of the banking house of that name in London; that Henry James Hungerford, the testator's nephew, to whom was bequeathed the whole of his property for life, subject to a small annuity to another person, brought an amicable suit in chancery against Messrs. Drummond, the executors, for the purpose of having the testator's assets administered under the direction of the lord chancellor, in the course of which suit the usual orders and decrees were made, and by its issue assets ascertained and realized to the value of about one hundred thousand pounds sterling; that Mr. Hungerford, who resided out of England, received, up to the time of his death, the dividends arising from the property, which consisted of stock in the public funds, and that he died at Pisa, on the 5th of June, 1835, of full age, though still young, without having been married, and, as far as is yet known, without illegitimate child or children; that the assets of the estate are now invested in the name of the accountant-general of the court of chancery, subject to the further disposition of the court; that the will of Mr. Smithson having made the United States the final legatee on Mr. Hungerford's death without child or children, legitimate or illegitimate, the facts seem to have happened under which their right will attach; but the solicitors continue to think that a suit or legal proceedings of some nature, to which the United States must be a party, will have to be instituted in the court of chancery in order to make valid their right and enable them to get possession of the fund, now in the hands of the court and subject to its judgment.

The foregoing formed the main purport of their communication. They added that the mother of Henry James Hungerford, who is still living and married to a Frenchman of the name of De la Batut, has put in a claim to a part of the property; but as the claim is small, and not likely to come to much, the mother of Mr. Hungerford not having been married to his father, it is scarcely necessary at this time to detail the circumstances.

I asked at what time from the present the earliest sitting of the court of chancery would be held. They replied in November. It will be my object to get the fund for the United States without a lawsuit in chancery of any kind, if this be practicable; and toward an end so desirable my further reflections and measures will, for a while, be directed, taking care that I do not lose the advantage of all proper applications at the first term of the court for whatever form of suit or other legal proceedings may be found indispensable.

I have nothing further of any importance to communicate at this juncture. I delivered to the minister of the United States, Mr. Stevenson, the letter from the Acting Secretary of State of July 27, requesting his good offices in behalf of the public object with which I am charged, should they be needed; and I can not close this letter without adding that I have already received cooperation from him that has

been useful, and which gives earnest of the zealous interposition of his further aid, should it be required.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

Hon. JOHN FORSYTH,  
*Secretary of State.*

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THE CASE STATED BY MR. RUSH.

The testator died at Genoa on the 27th day of June, 1829, and on the 4th of November in that year the will was proved in the prerogative court of Canterbury by Mr. Charles Drummond, one of the banking house of that firm, mentioned in the will.

Soon after his death, an amicable suit was instituted in the court of chancery by Henry James Hungerford, his nephew, against Mr. Charles Drummond, as executor, for the purpose of having his assets administered under the direction of that court. The usual orders and decrees were made in the suit, and assets realized to the amount of about one hundred thousand pounds sterling in value, which are now invested in the public funds, and are standing in the name of the accountant-general of the court of chancery, to the credit of the cause of Hungerford *v.* Drummond, and applicable to the trusts of the will.

Mr. Hungerford, who resided out of England, received the income arising from the testator's property up to the time of his death. This took place on the 5th of June, 1835, at Pisa.

He was never married, and died without leaving any illegitimate children or child.

The events have therefore happened, by which the right of the United States of America is considered to have attached, as the residuary or final legatee under this will.

In July 1835, their chargé d'affaires at this court imparted official information to the Secretary of State, at Washington, of the preceding facts, who laid them before the President, with a copy of the will and other papers that were transmitted.

The President not having authority under his general executive powers to take any steps for accepting the trust or obtaining the fund, communicated the papers to Congress on the 17th of December of that year, with a view to such measures as that body might deem necessary.

Congress, acting on the ground that the bequest to the United States was valid, and that it would not be incompatible with their dignity to accept the fund as trustees, for an institution to be founded at Washington, for a purpose so broad and benevolent, passed, on the

1st of July last, an act authorizing the President to appoint an agent to assert and prosecute their right to the bequest, in such form, and before such tribunal or tribunals in England, as might be proper; and to receive and grant full acquittances for all such moneys or other funds as might be adjudged to them on account of it.

In pursuance of the authority given by this act, the President has appointed a citizen of the United States, in the person of the undersigned, to perform on their behalf the duty which it enjoins; and he is here, their representative and attorney in the matter set forth.

His full power from the President, and a copy, under seal of the Department of State, of the law on which it is founded, are ready to be filed in the court of chancery, or otherwise made known to the lord chancellor, at whatever time and in whatever manner may be thought proper.

The United States having acceded to the bequest, the first duty of the undersigned is to obtain, for his high constituent, possession of the fund without any delay that can be avoided.

His questions for the opinion of counsel in England are:

First. Can possession of it be obtained without a suit?

Second. If not, what is the form of suit or other legal proceeding which, by the laws of England, will give promise of putting the United States in possession of the fund in the most effectual and prompt manner?

RICHARD RUSH.

LONDON, *October 1, 1836.*

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OPINION OF COUNSEL.

First. We are of opinion that the possession of the fund can not be obtained without a suit.

Second. We think that the best course will be that a bill in the nature of a supplemental bill should be filed in the name of the President of the United States of America, against the executors of Mr. Smithson, praying that the United States may be entitled to the fund upon trust for the purposes expressed in the will; and that upon obtaining a decree to that effect a petition should be presented, in the name of the President and Mr. Rush, praying that the fund may be transferred to the latter, as the agent of the United States, appointed under the act of Congress.

As we understand that the testator, Smithson, was illegitimate, we think that it will be advisable to make the Attorney-General a party to the suit in order that he may represent before the court any claim which the Crown may have, either by reason of the question of the

validity of the limitation to the United States, after a limitation to illegitimate children, or by reason of any part of the property consisting of interests in land.

THOMAS PEMBERTON.  
EDWARD JACOB.

LINCOLN'S INN, *November 2, 1836.*

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*Richard Rush to John Forsyth.*

LONDON, *November 5, 1836.*

I am following up the Smithsonian business, as you will take for granted. This week I had an interview with the counsel; but nothing has transpired calling for an official letter to you since the one I wrote on the 24th of September.

RICHARD RUSH.

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*John Forsyth to Richard Rush.*

DEPARTMENT OF STATE,  
*Washington, November 17, 1836.*

SIR: You will receive inclosed the copy of an account presented to Daniel Brent, esq., consul of the United States at Paris, by M. Castagnet, a French attorney, of certain fees charged by him for services rendered in relation to the effects of Mr. James Henry Dickinson, deceased, alias de la Batut, alias Hungerford, nephew of the late James Smithson, of London. Copies of Mr. Brent's letters of 23d October, 1835, and 14th August, 1836, explanatory of the subject, are also sent. As the whole amount of the fund appropriated by the act of Congress of 1st July, 1836, for defraying the expenses incident to the prosecution of the claim of the United States to the Smithsonian bequest are in your hands, and as the bill, if correct, is properly chargeable to that fund, I have the honor to request that you will examine this account; and if you shall deem it just, and the amount reasonable, transmit to Mr. Brent the sum necessary to discharge the claim.

It may be proper also to allow to Mr. Delagrangé, the attorney consulted in this case by Mr. Brent, a fee for his advice. You will perceive, however, that, before such an allowance can be made, it will be requisite to obtain from the latter precise information as to the amount of the charge.

I am, sir, your obedient servant,

JOHN FORSYTH.

RICHARD RUSH, Esq., *London.*

*Richard Rush to John Forsyth.*LONDON, *November 22, 1836.*

SIR: After my letter to you of the 24th of September, desirous as I felt of falling upon some mode by which the United States might get possession of the Smithsonian bequest, without the delays and difficulties apt to attend upon suits in chancery, prosecuted in the ordinary form, I found myself unable to do so. At one time it occurred to me, considering the peculiar nature and national aspect of the case, that perhaps an indirect appeal to the British Government, through the channel of our minister, might be justified; not, indeed, that an influence was to be brought to bear upon the judicial tribunals in any objectionable sense, but simply with a view to obtain some expression or intimation of its favorable dispositions towards the trust I hear from the President, as far as the laws of England might be in unison with it. But obstacles presented themselves to the actual pursuit of such a course, although I knew how ready Mr. Stevenson would have been to second it as far as in his power, that led me to turn from it, at least as an incipient step; without, however, losing sight of it, if it may seem practicable and advisable at any subsequent stage of the proceedings.

That course no longer looked to, it appeared to me that the first step, on my part, had better be to draw up a statement of the case for the opinion of counsel, submitting to them, as one of the questions, whether possession of the fund might not be obtained without a suit. The solicitors, I was aware, had said that it could not; but, on a preliminary point so important, I did not think that it would be proper to rest on them alone, but take the opinion of eminent counsel. On the 1st of October, I accordingly drew up a statement of the case, setting out a copy of the whole will, as obtained for my use from the registry of the prerogative court of Canterbury, adding the facts necessary to show what was believed to be the present right of the United States to the legacy, and my authority to receive it on their behalf. A copy of the statement is inclosed marked "A."

The next step was to select the counsel. Here little deliberation was requisite, it being only necessary to ascertain the most eminent. I thought it would be advisable to consult two. I found it pretty generally agreed that Mr. Pemberton was at the head of the chancery bar, and therefore designated him as one. Mr. Jacob being in the first class of eminence, next to Mr. Pemberton, and of high reputation for learning in the profession, I took him as the other. Although using all the means I could to get their opinion, after drawing up the case, it was not until the 8th of this month that I succeeded; which was owing to the absence of Mr. Pemberton from town nearly the whole of October. I had an interview with them before their opinion was given, and set before them all the lights I was able to afford on the nature of the case,

and wishes of the President for its early decision. Their opinion is subjoined to the statement inclosed.

It will be seen that they regard a suit as indispensable.

Next, as to the mode of proceeding. It appears that they think a bill should be filed, in the name of the President, against the testator's executors, praying that the United States may be declared entitled to the fund, and that, on obtaining a decree to that effect, a petition should be presented for the actual payment of the money. They add that it would be advisable to make the Attorney-General a party to the proceedings, in case the Crown should have any claim under the will, by reason of "the limitation to the United States, after a limitation to illegitimate children," or in case any part of the property should consist of interest in land. The opinion is dated on the 2d instant, but I did not receive it until the 8th, as mentioned.

Although I drew up the case, the usages of the profession here required that it should pass to the counsel, through the hands of the solicitors, to which I made no objections; the less, as the latter claim, under all common circumstances, to state the case themselves, as well as hold interviews with the counsel, instead of the party holding them. The same usages and subdivisions require that a junior counsel of the chancery bar should \* \* \* draw the bill suggested by the senior counsel, to which I have, in like manner, consented; and Mr. Shadwell, a son of the vice-chancellor, has been designated for that duty, under assurances I have had that he will perform it satisfactorily, and with an understanding, moreover, that the bill is to have the revision and sanction of the senior counsel before it is filed. The whole course of proceeding may now therefore be considered as in regular train, and shall be followed up with all the dispatch and care which my superintendence can impart to it.

Should the intervals between my letters be longer than might at first seem compatible with my desire and duty to keep you informed of what is going on, I hope it will not be inferred that there are relaxations in either; since it is very likely to happen, as has been the case since the date of my last letter, that whilst I am doing all in my power to expedite arrangements and results, nothing may transpire to lay a basis for written communications in any degree definite or satisfactory. Legal proceedings, in general, imply these intervals of apparent inaction, and a suit in chancery in England is not likely to form the exception. When occasions of writing to you may arise, the duty shall never be omitted.

This letter would have been written immediately after I received the opinion, but that I wished some explanations, as it was not argumentative, a form which counsel here do not give to opinions. It being recommended that the bill should be in the name of the President, I deemed it right to mention that there was a possibility in law

of a temporary vacuum occurring in the Executive power under our Constitution, in order that they might judge how far that consideration would affect the name or style to be used in bringing the suit. As they further advise that the Attorney-General be made a party, I wished to ascertain, as far as I might, what weight they attached to the point that seemed the main inducement to that course, as well as the reason for suggesting it in advance. I doubted not their good reason for such a course, but thought it desirable to learn it from themselves, that I might impart it from that source for the President's information.

They have informed me that the legal possibility to which I drew their attention under our Constitution does not alter their opinion as to the name proper to be used in bringing the suit, and they do not think it would answer to bring it in the name of the United States alone, whatever the provisions of our Constitution under this head. I, of course, put before them the act of Congress of the 1st of July, 1836, which authorizes the suit. As to the point of law, whether a bequest can be sustained after a limitation to illegitimate children, they replied that they do not at present attach any decisive, perhaps any great weight to it, but think it one that may be made; and as to its suggestion in advance, they suppose that the United States would not desire to take the bequest through any oversight in the court or Attorney-General, admitting either to be possible in a case of this publicity, but only if the laws of England would warrant in all respects an adjudication in their favor—a sentiment in which I naturally and fully concurred.

I was not able to command an interview with the counsel for the sake of these explanations until yesterday, owing to their constant engagements, although I sought it repeatedly since the 8th of the month, by personal calls as well as notes desiring to have a time fixed.

If there have been these delays that I have been unable to prevent, I am glad to add that no time has been lost in reference to the November term of the court, the first that has been held since I came here.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

Hon. JOHN FORSYTH,  
*Secretary of State.*

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*Richard Rush to John Forsyth.*

LONDON, *December 20, 1836.*

SIR: I was yesterday honored with your letter of the 17th of November, inclosing the account forwarded to the Department by the

consul of the United States at Paris, of M. Castaignet, a French attorney, for certain fees charged by him for services rendered in relation to the effects of Mr. James Henry Dickinson, deceased, alias de la Batut, alias Hungerford, nephew of the late James Smithson, of London, and requesting that I will examine it with a view to its payment out of the Smithsonian fund in my hands, if deemed just, and the amount reasonable; and mentioning also that it may be proper to allow Mr. Delagrangé, the attorney consulted by Mr. Brent, a fee, after obtaining from the latter precise information as to the amount of the charge. Copies of Mr. Brent's explanatory letters of the 23d of October, 1835, and 14th of August, 1836, also came inclosed in your letter, and I beg leave to say that the whole subject shall have from me full attention.

The Smithsonian case continues in proper train here with every advantage I have found myself yet able to give it, according to the statement and explanations transmitted with my No. 4; but it has not yet come to its first hearing before the court of chancery.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

Hon. JOHN FORSYTH,  
*Secretary of State.*

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*Richard Rush to John Forsyth.*

LONDON, *January 9, 1837.*

I have already had the honor to acknowledge the receipt of your letter of the 17th November. inclosing the account of Mr. Castaignet, the French attorney, for certain services in relation to the effects of Henry James Dickinson, deceased, alias de la Batut, alias Hungerford.

I have given to this subject the proper attention, and, for the better understanding of it, now beg leave to state:

That Henry James Hungerford was the natural son of Henry Louis Dickinson, deceased, brother of Mr. Smithson, by a Mrs. Coates. The latter is still living and married to a Frenchman named de la Batut. Hungerford lived with her and took her name, whilst bearing which he died, having also passed under that of Dickinson. It is understood that, as long as he lived, he made her an ample allowance; but his death put an end to it, and, as far as the will of Mr. Smithson is concerned (the will which creates a right in the United States), she can claim nothing. This I understand to be agreed by counsel on all hands here.

Her claim, if she has any, is under the will of Henry Louis Dickinson, made at Paris July, 1819, by which he left all his property to his brother, Smithson, in trust for his (Dickinson's) son Hungerford, alias Dickinson, alias la Batut. Half the income of it, however, was to go to this Mrs. Coates, alias Madame la Batut, during her life.

But whether the property which Dickinson thus left, and which is supposed to be the fund which Mr. Brent naturally desired, through the instrumentality of the French attorneys, to secure for the United States in Paris, now constitutes any part of the Smithsonian fund in the English court of chancery and awaiting its decision, or whether the former fund has not all been dissipated, and if so, how much of it got into the hands of Madame la Batut, and has already, principal as well as income, been applied to her use and benefit, are, I understand, points still unsettled.

I made a first mention of this la Batut claim in my No. 4 in September. Under the facts presented by this further explanation it does not clearly seem that the account of the French attorney, M. Castaignet, or the fee to M. Delagrangé can, for the present, be a charge upon the Smithsonian fund in my hands. Perhaps it may be a question how far the act of Congress of the 1st of July, 1836, creating and appropriating that fund, will sustain any charge upon it other than for expenses in prosecuting the right of the United States to the Smithsonian bequest before the tribunals here in England, where alone, by what I now communicate, it may turn out that the entire fund bequeathed by Mr. Smithson exists. In weighing all the circumstances, I have come to the conclusion, at all events, not to pay the above account or fee until the issue of the proceedings in chancery on the whole case here is known; unless, after this communication, I should receive your instructions to the contrary. We must hope that the bequest of Mr. Smithson will ultimately be adjudged to the United States; but there is a complication of illegitimacy in the matter, and we dare not with confidence affirm that the decision will be favorable prior to its taking place.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

Hon. JOHN FORSYTH,

*Secretary of State.*

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*Richard Rush to John Forsyth.*

LONDON, *February 2, 1837.*

SIR: The Smithsonian case was brought to a first hearing in the court of chancery yesterday, and it is satisfactory to me to be able to say that results, so far, are favorable to the establishment of the claim of the United States.

The hearing was before Lord Langdale, master of the rolls; this court and the court of the vice-chancellor being the two branches of the English chancery system, before which suits are brought in the first instance.

The bill was in the name of the President of the United States of

America against Drummond, as recommended by counsel, in their opinion transmitted with my letter No. 4, of the 22d of November. The case was fully opened, on behalf of the United States, by Mr. Pemberton.

The attorney-general was not personally present in court; but Mr. Wray, a member of the bar and King's counsel, acted as his representative on the occasion. I am glad to state that he abandoned, in effect, all opposition on the part of the Crown. No question, therefore, will be raised as to whether a bequest can be sustained after a limitation to illegitimate children; or any other obstacle interposed under the doctrine of escheats, or any other, by the legal representatives of the Crown. These officers, I am given to understand, have had the whole case under consideration, and will do nothing more than exercise that general superintendence which the Crown, through its law officers, is bound to exercise where questions may arise connected with public charities, the rules respecting which are considered applicable to this case.

The court, after the hearing, decreed that the case be referred to one of the masters in chancery, the proper officer for the duty, to make the requisite inquiries as to the facts on the happening of which the United States becomes entitled to the fund bequeathed by Mr. Smithson. The claim of Madame la Batut having been brought before the court by counsel representing it, his lordship also decreed that the validity of that claim be inquired into, with a view to ascertain if it be a proper charge upon the fund.

The inquiries will be proceeded with in the usual and regular manner, and with all the expedition that my superintendence can impart to them. When brought to a close, the cause will come on for the further order and decree of the court.

Having heretofore mentioned, and in my last letter explained more particularly, the claim of Madame la Batut, I need say no more about it at present. It extends only to an annuity of about £100, payable during her life; so that, even if sustained, it will form, in the end, no material deduction from the fund. But I have of course directed that it be properly scrutinized, in order that nothing be taken from the United States to which they are rightfully entitled.

Counsel also appeared for Messrs. Drummond, and made a little show of opposition; but as their clients are, in fact, nothing more than stakeholders, they will offer, in the further progress of the case, as I have reason to believe, no serious opposition. They said on this occasion that the bill, in giving title to the suit, ought to have named General Jackson as President; on which Mr. Pemberton remarked that in that case it must have been amended on the 4th of March, by substituting the name of Mr. Van Buren. On the other hand, the King's representative, Mr. Wray, expressed his concurrence with Mr. Pemberton, that the title of the suit was good as it stood.

Our professional advisers thought that the President ought to be named, as in the title, with a view to a technical responsibility on the record for costs, although no such question of fact would arise in this case, and because he was otherwise the organ of intercourse and business between the United States and foreign nations. I told them that his name was not thus introduced in suits in the United States; but they had before them the act of Congress of July 1, 1836, directing that this suit might be brought in the name of the United States, "or otherwise, as may be advisable," and formed their opinion accordingly.

The master of the rolls, not having then seen the act of Congress, intimated his impression to be that the suit should follow in this respect the forms in the United States, adding that he considered this part of the case as nothing but matter of form, and would give leave to amend forthwith, if necessary; so that the point is of no consequence.

I think I am justified in saying, from all that is known at present, that the case is in a safe train in all respects, with every promise of a successful issue. Reports of what took place in court have appeared in the newspapers here, but are not to be relied upon, as I am enabled to say, my duty having made it proper that I should myself be present in court all the while.

In my letter of the 22d of November it is intimated that I might, perhaps, at a subsequent stage of the case, have deemed some appeal to this Government advisable in relation to it. The contingency I had in view was that of the attorney-general interposing a claim for the Crown, under the law of escheats. In that event I had contemplated drawing up a counter representation on behalf of the United States, founded on the public objects of Mr. Smithson's will, to be brought to the notice of this Government, through the channel of our minister. All necessity for acting upon this intention is now at an end, by the course which the law officers of the Crown have pursued; and I can discern no other ground for an application to this Government. Nor, I am happy to add, does any such application appear at present to be needed, either for the purpose of justice or expedition.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

HON. JOHN FORSYTH,  
*Secretary of State.*

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*Richard Rush to John Forsyth.*

LONDON, *February 10, 1837.*

SIR: After what I communicated in my last letter, it is proper for me to state that the court finally determined, before the minutes of its

proceedings on the 1st instant were made up, that the title of the suit, as originally advised by our counsel, was the proper title, viz: "The President of the United States of America *versus* Drummond." It therefore stands so without alteration.

It will have been observed from my last that the court had not seen the act of Congress in the proceedings of record up to the 1st instant. The reason it did not then appear on the face of the bill will be found in the nature of the counsel's opinion. I put a copy of the act into their hands, as a necessary accompaniment to my statement of the case drawn up for their consideration. On referring to their opinion, transmitted with my No. 4, it will be seen that they recommend that a bill be first filed, praying that the United States might "be declared entitled to the fund, upon trust, for the purposes expressed in the will;" and, next, that when a decree to that effect was obtained, a petition should be presented, in the name of the President and the agent, praying that the fund be transferred to the latter, as authorized by the President under the act of Congress to receive it. The counsel thought that the proper time for setting forth the act would have arrived when the petition was presented, and not before; but the court, under its first impression, inclining to think it ought to be added to the bill, gave leave to make the addition forthwith, and it was done accordingly. The case therefore now stands, on all points, as could be desired, without any delay having intervened through matters of form. Our professional advisers are disposed to regard this with satisfaction, considering the case as one of the first impression here, the United States having never before appeared as suitor in an English court.

Having selected counsel of distinguished character and abilities in the court of chancery to conduct the proceedings on the part of the United States, I feel that it is not my province to guide but to follow their opinions in matters of English law and practice. Yet I feel it a duty to understand theirs, and offer mine to their consideration whenever there may seem any likelihood of its being serviceable to the claim of the United States, and will frankly own that I saw no objection to their withholding the act of Congress from the record until actual payment of the fund was asked of the court, who have the present custody of it. The United States, it is true, had never before sued in an English court. But there were precedents of other nations having done so by their executive head, as, for example, the King of France, the King of Denmark, and, I believe, other sovereign and independent States. It was not understood that any legislative act of those countries had been considered necessary, and was therefore inferred that the United States might in like manner enter the courts here, as of common usage, to establish the validity of a testamentary bequest made to them by a subject of Britain. The act of Congress may have

been necessary, quoad the United States themselves. The bequest, it may be, could not have been accepted otherwise, or a suit been brought on their behalf; but no act of Congress was required for such ends before an English court. The will itself, showing a *prima facie* right in the United States, was enough to open an English court to their suit, and perhaps their dignity would best be consulted by not exhibiting the special act until indispensably necessary. The validity of the bequest being established on general grounds by a decree of the court, then, before payment could have been made to anyone demanding possession of the fund for the United States, adequate authority from the proper source there must be shown; and at this epoch the act must have been filed, as well as the agent's power. This was the reasoning of our counsel, as I understood it. It appeared to me good, as did their reasons for bringing the suit by its present title. How far the master of the rolls might have dispensed with the filing of the act of Congress until the time indicated by our counsel as that alone when it was necessary, had the latter pressed the point to an argument, is not for me to say. They yielded to his lordship's first impression, and filed it at once, as it caused no delay, and must have been done under their own intentions at a future day, if a favorable decree be obtained on the main question, now so reasonably to be anticipated.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

Hon. JOHN FORSYTH,  
*Secretary of State.*

*Richard Rush to John Forsyth.*

LONDON, *March 25, 1837.*

SIR: In my No. 7 I had the honor to inform you that the court, after the hearing on the 1st of February, decreed that the case be referred to a master in chancery, to make the requisite inquiries as to the facts, on the happening of which the United States became entitled to the fund bequeathed by Mr. Smithson.

The facts specially directed to be inquired into, and which must be judicially and technically settled, are, first, whether Henry James Hungerford, named in the pleadings, be living or dead; second, if dead, when he died; third, whether he was married or unmarried at the time of his death; fourth, if married, whether he left any and what children and child, and the age or ages of them, if any. It is further to be ascertained whether John Fitall, mentioned in the pleadings, be living or dead, and, if dead, when he died; and the said master is finally to inquire whether Madame de la Batut has any claim on the testator's

estate, and to make report on all the several matters so referred to him.

These inquiries are now all duly and regularly in progress. Advertisements, of which I annex copies, designed as one means of obtaining information under the four heads first specified, and the last, have been inserted in three of the London newspapers of the present month, viz: The Times, Morning Herald, and Standard. Copies of them, translated into French and Italian, have also been inserted in newspapers at Paris and Port Louis, in France; the latter being the place where Madame de la Batut resides; and at Leghorn, in Italy, it being understood that there is no newspaper published at Pisa, where it is believed Hungerford died.

It was by my direction that the advertisements have been framed with all the brevity compatible with the essential object of the court's decree. I have caused to be carefully kept from them any mention of the amount of property bequeathed, and everything else respecting the nature of Mr. Smithson's will. This course seems best adapted to guard against the risk of raising up spurious claimants or combinations in France, Italy, or this country to battle with the right of the United States, whereby, although their ultimate recovery of the fund might not be prevented, great delays might be interposed.

Whether John Fitall be living or dead, the remaining branch of inquiry, is a fact to be ascertained without difficulty here in London.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

Hon. JOHN FORSYTH,  
*Secretary of State.*

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ADVERTISEMENTS.

(1)

Whereas by a Decree of the High Court of Chancery in England, made in a cause wherein the President of the United States of America is plaintiff and Charles Drummond and His Majesty's Attorney-General are defendants, it is amongst other things referred to Nassau William Senior, Esq., one of the Masters of the said Court, to inquire and state to the Court whether Henry James Hungerford (who formerly resided at Paris, in the Kingdom of France, and is alleged to have died at Pisa, in the kingdom of Naples, in the month of June, 1835), is living or dead, and if dead when he died, and whether he was married or unmarried at the time of his decease, and if married whether he left any and what children or child him surviving, and the ages of such children, if more than one: therefore, any person who can give information touching the said Henry James Hungerford is requested, on or before the 1st day of June next, to furnish the same to Messrs. Clarke, Fynmore, and Fladgate, 43 Craven street, Strand, London.

(2)

Whereas, by a Decree of the High Court of Chancery in England, made in a certain cause wherein the President of the United States of America is plaintiff and Charles Drummond and His Majesty's Attorney-General are defendants, it is amongst other things referred to Nassau William Senior, esq., one of the Masters of the said Court, to inquire and state to the Court whether Madame de la BATUT, who lately resided at Port Louis, in the kingdom of France, has any CLAIM on the ESTATE of JAMES SMITHSON (who died at Genoa, in the kingdom of Naples, in the year 1829), the testator in the pleadings of the said cause named: therefore, the said Madame de la Batut is, on or before the 1st day of May next, to come in before the said Master, at his chambers in Southampton buildings, Chancery lane, London, and make out her claim on the estate of the said testator, James Smithson; or, in default thereof, she will be excluded the benefit of the said decree.

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*Richard Rush to John Forsyth.*

LONDON, *April, 28, 1837.*

SIR: In inclosing a duplicate of my last letter (sent with the original of this), I have to supply an omission in not stating that the advertisements were inserted in the London Gazette, in addition to the other London newspapers mentioned. It is the more necessary I should state this, as when the bills for legal disbursements are all finally rendered it will be seen that the item for advertising in this country forms no inconsiderable one. It was my wish to avoid these advertisements altogether, not simply on account of expense, which would have been a good reason of itself, but for the more important one hinted in my last, viz, their possible tendency to raise up fictitious claimants; but my wish could not prevail against the express order of the court of chancery under which they were inserted.

In regard to the legal expenses, generally, of this agency, I will take this occasion of barely remarking, that whilst I have kept a constant watch over them all, endeavoring to confine them within limits as moderate as possible, they are proverbially heavy in English chancery proceedings. It seems that something is to be paid for every step taken, every line written, and almost every word spoken by counsel, senior and junior, solicitors, clerks, and everybody connected with the courts, and officers attached to them, under the extremely artificial and complicated judiciary systems that exist here.

Perhaps I ought also to have mentioned in my last that there is no doubt whatever of the fact of John Fitall's death. It only remains for the court to know it through regular evidence, easily attainable, as before remarked, in London, where he died.

I have the honor to remain, with great respect, your obedient servant,  
 RICHARD RUSH.

Hon. JOHN FORSYTH,  
*Secretary of State.*

*Daniel Brent to Richard Rush.*

UNITED STATES CONSULATE,  
*Paris, May 3, 1837.*

SIR: On the 7th of August last I made known to the Secretary of the State the amount of expenses that had been incurred by me in this city in taking precautionary steps to secure to the United States, as legatee of James Smithson, of London, the possession of property then supposed to constitute a portion of his estate, and now have the honor of transmitting to you, in consequence of a letter recently received from the Department, receipts for the amount of these expenses, as follows, viz:

	Francs.
Receipts of the M. Castagnet for his services.....	226. 25
Do. avocat, M. Delagrangé for his services.....	40. 00
My own receipt for postages.....	6. 00
Total .....	372. 25

I would feel obliged to you if you would have the goodness to provide, at as early a day as may suit your convenience, for my reimbursement, by furnishing me with a bill on Paris for their amount; and, in the meantime, I have the honor to be, sir, your obedient, humble servant,

DANIEL BRENT.

RICHARD RUSH, etc., *London.*

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*Richard Rush to Daniel Brent.*

LONDON, PORTLAND HOTEL,  
*Great Portland Street, May 10, 1837.*

SIR: I received your letter of the 3d instant transmitting receipts for sums expended by you in Paris, amounting to 272.25 francs for precautionary steps taken on your part to secure possession of property then supposed to constitute a portion of the property bequeathed to the United States by Mr. Smithson. You state that you transmit these receipts to me in consequence of a letter recently received from the Department of State, and request I will provide for your reimbursement by a bill on Paris for the amount.

I received from the Secretary of State in December last copies of the same account, with a request that I would examine it and if I deemed it just and the amount reasonable transmit to you the sum necessary to discharge it, his letter remarking that the account, if correct, was properly chargeable on the Smithsonian fund in my hands, created by the act of Congress of July 1, 1836, for defraying expenses incidental to the prosecution of the claim of the United States to the bequest of Mr. Smithson.

In reply, I had the honor to inform the Secretary, by letter dated the 9th of January, that it was still a point unsettled whether the property which, with a commendable zeal, you had aimed at securing for the United States, now constituted any part of the Smithsonian fund in the English court of chancery, awaiting its decision; that nothing had yet been adjudged to the United States; that perhaps it might be doubtful, under these and other circumstances I stated, all of which could not have been known when the Secretary's letter to me was written, how far the act of July the 1st would sustain the charge in question; and that at all events I had come to the conclusion not to pay the account until the issue of the proceedings in chancery on the whole case here was known, unless I should receive the Secretary's instructions to pay it, after what I thus wrote.

I have received none; and unless the letter from the Secretary, which you have received, were written after the receipt of mine of the 9th of January, and contains an express direction to me to pay, I should not feel at liberty to do so; the less, as everything remains undecided here, and a new fact is interposed. Congress at the late session omitted to make any further appropriation for the full prosecution and recovery of the Smithsonian bequest; and it is certain, in my belief, that the sum allotted by the act of July 1, 1836, will be exhausted by the unavoidable expenses in London before any new appropriation can come from the next Congress.

I have the honor to remain, very faithfully, your obedient servant,  
RICHARD RUSH.

DANIEL BRENT, Esq.,  
*Consul of the United States, Paris.*

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*Richard Rush to John Forsyth.*

LONDON, *May 18, 1837.*

SIR: I have received a letter from Mr. Brent, consul at Paris, transmitting his account and the receipts for moneys expended by him in that city, with a view to obtain for the United States some property, then supposed to be a part of that which was bequeathed by Mr. Smithson. It is the same account that was forwarded to me with your instructions of the 17th of November last. To these I had the honor of replying in my No. 6, in which the nature of the account was explained and reasons assigned for suspending payment, your instructions appearing to have left me a discretion over the subject. I transmit a copy of Mr. Brent's letter dated the 3d instant, with a copy of my answer dated the 10th. My reasons will be seen in the latter for still withholding payment, Mr. Brent's letter, as I read it, not conveying to me your direction to pay. If I have erred in this particular, I shall await your further instructions, and obey them. My letter

to Mr. Brent, besides bringing into view the former reasons, mentions a new one.

Under one of the advertisements transmitted with my No. 9, viz, the one returnable on the 1st of this month, the husband of Madame la Batut has come over here from France to make out the claim of his wife upon the estate of Mr. Smithson. He has written me notes and called upon me, though as yet I have not seen him. I deem it unnecessary to transmit to you his representations, as I do not act upon them in any way, abstaining as well through my own judgment as that of our professional advisers. To the latter I say, if Monsieur la Batut has a just claim on the part of his wife it ought to be allowed, if not, no authority but that of Congress could award him anything out of the Smithsonian bequest, should it be finally adjudged to the United States. To this they assent, with the further concurrence between us that the court must decide upon the claim, for establishing which, if it can be established, he will now have every opportunity before a master in chancery, the officer regularly appointed by the court for that purpose. The solicitors advise me that he is a troublesome person, and seems to have unreasonable expectations, which, however, will be carefully scrutinized and properly controlled.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

HON. JOHN FORSYTH,  
*Secretary of State.*

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*Clarke, Fynmore & Fladgate, to Richard Rush.*

No. 43 CRAVEN STREET, June 9, 1837.

SIR: We think it right to inform you that we have lately had several interviews with M. de la Batut, who married the mother of the deceased Henry James Hungerford, and who we thought might be induced to furnish us with every proof we wanted touching the deceased. His object was to press upon our consideration the moral claims which he supposes his wife and her and his children have upon the United States, in consequence of their succeeding to the fortune, to the income of which Hungerford was entitled for his life. We allude to these moral claims to distinguish them from the rights which Madame de la Batut may have under the will of Colonel Dickinson, Hungerford's father, which are the subject of inquiry before the master. To show, in part, the nature of these moral claims, we may mention that as the fund is left to the United States to found an institution for promoting knowledge he considers, notwithstanding that the institution is to be founded in America, that his and Madame de la Batut's children in France should have an allowance until the age of 22 for their education, and he considers that the income derived

from the fund since the testator's death should be allowed to Madame de la Batut.

We do not think it necessary to go further into these requisitions, or into a detail of M. de la Batut's arguments in support of them. We may, however, advert more particularly to the following point, which may have some claim to consideration: M. de la Batut urges that young Hungerford, who lived up to his income, left behind him nothing to pay debts and funeral expenses; that had Mr. Smithson's will come into operation now, instead of seven years back, he would, in consequence of a modern alteration in the law, have been entitled to a portion of the accruing half year's income up to his death; but that, as the modern alteration does not apply to the case, he is deprived even of that, and can not be said to have enjoyed the income of the property during his whole life; and thus burdens are thrown upon his relations, which their circumstances do not enable them to bear. We may here observe that the law on this subject is clear; he was not entitled to any portion of the half year's income. We answered him by stating that neither you nor ourselves could give any opinion on the subject, still less undertake that anything should be done for him by the United States; and we informed him that if he considered he had any moral claims, he must himself apply to the proper authorities, which he stated his intention to do. We further informed him that we were in search of evidence which was completely within his knowledge; and we offered, if he would furnish us with and depose to the particulars relating to Hungerford known to him, we would so far support any application he might make to the proper authorities as to certify that in our inquiries and proofs we were under material obligations to him; and he at length consented to make the necessary depositions. These depositions we drew up in proper form, but upon requesting him to make an appointment to swear to them, he refused to do so unless he had a pledge from you that you would do all in your power to support his claims, in addition to the recommendation of Mr. Drummond to the consideration of the United States. The recommendation of Mr. Drummond we might have promised him, but the pledge required from you we knew to be out of the question; and as in the meantime we have received from Italy documents which we trust will obviate the necessity of again applying to him for assistance, we felt no hesitation in at once declining to make terms with an individual whose style of conduct would hardly justify any strong recommendation in his favor. He then positively refused to assist us any further, and has left us in considerable anger; and he has expressed his determination to make an application to the President through another channel. It will, we conceive, be entitled to little favor.

We remain, etc.,

CLARKE, FYNMORE & FLAIDGATE.

RICHARD RUSH, Esq.

*Clarke, Fynmore & Fladgate to Richard Rush.*

NO. 43 CRAVEN STREET, *June 22, 1837.*

SIR: Mr. Drummond has written to us to inform you that M. de la Batut has submitted to him a memorial which, on the part of Madame de la Batut, he proposes to address to the President of the United States. Not having been acquainted personally with Mr. Smithson, Mr. Drummond can not vouch for any of the facts stated in the memorial, but, as Mr. Smithson's executor, he feels disposed to recommend to the consideration of the United States any application coming from the mother of the deceased Hungerford, who, so far as he has the means of knowing, is left by her son's death in reduced circumstances. Nevertheless, we must here add that the attention paid to such application must of course depend upon the conduct of the parties making it.

We are, etc.,

CLARKE, FYNMORE & FLADGATE.

RICHARD RUSH, Esq.

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*Richard Rush to John Forsyth.*

LONDON, *June 24, 1837.*

SIR: I inclose copies of two letters received from our solicitors, dated the 9th and 22d instant, relating to the conduct of Monsieur la Batut in reference to the supposed claim of his wife upon the Smithsonian fund.

My No. 6, of January 9, will have made known who the wife is. Nothing is more clear than that she has no claim under the will of Mr. Smithson. Her claim, if any, can only be made out, as mentioned in my No. 6, under the will of Henry Louis Dickinson, and for its establishment the court of chancery has pointed out the proper means, and Monsieur la Batut has full liberty to adopt them, that justice may be done. I said in my No. 7 that the claim extended only to about £100 a year; but, on better information, I find that it would amount, if sustained, to £240 a year during the life of Madame la Batut.

But Monsieur de la Batut is little satisfied with putting forward this claim, which, it may be, the court will allow if he can bring forward proof to substantiate it. He makes a sweeping moral claim, as he calls it, upon the United States, should the Smithsonian fund be adjudged to them. The letter from the solicitors, of the 9th instant, gives, in part, the ground of this moral claim. He thinks that, as the Smithsonian fund is to be applied to found an institution at Washington for the increase and diffusion of knowledge among men, his children in France have a claim to be educated out of it; and he even considers that his wife has a claim to the \* \* \* income of the fund since Mr. Smithson's death. This, at a rough estimate, might be perhaps set down at upward of £20,000.

I can not wonder that the solicitors deemed it unnecessary to detail to me the "arguments" by which Monsieur de la Batut sought to support these, his "requisitions." His attempt at coercion, by withholding evidence within his power, unless on a previous pledge from me to support his requisitions, thereby showing a disposition to prevent the United States recovering anything, will probably gain him little favor in their eyes. Fortunately there is now other evidence, as the solicitors state in their letter, and have since told me verbally, which, it is believed, will place the United States beyond his reach. The part of their letter that I read with regret was that in which they intimated to him that, as neither they nor I could engage that anything should be done for him by the United States, he must himself apply to the proper authorities. I called upon them immediately, to express my wish that no such encouragement be in future held out to him; but it seems that he had already taken his course; their letter of the 22d instant gives me to understand that he proposes to address a memorial to the President through the auspices of Mr. Drummond, the defendant in the suit. That he would have done so on his own motion in the end, without any hint from the solicitors, is probable enough; but I was sorry it had been given to him. For myself, I have invariably discountenanced all his pretensions, deeming it my duty to do so most unequivocally. I have refused to see him, unless in presence of the solicitors, lest he should misunderstand, or forget, or pervert what I might say; and the latter told me they could perceive no advantage in my seeing him. If the United States recover the legacy bequeathed by Mr. Smithson, I should naturally regard the whole of it as a trust fund in their hands, not to be in any wise diminished or touched but by the same legislative power that accepted it for the purposes specially set forth in the act of Congress of the 1st of July, 1836. Not only, therefore, do I disclaim all authority for yielding in the slightest degree to Monsieur la Batut's demands or giving him the least hope that any of them are ultimately to be allowed by the United States, but I should have thought it not justifiable in me to refer him to the President.

Not being sure that I rightly understood what the solicitors mean in their letter of the 9th about an alteration in the law, I sought an explanation from them. It appears that by an act of Parliament, passed in 1834, whenever a person entitled to the annual proceeds of any fund or property for his life, under a will coming into operation after the passing of the act, dies between the points of time assigned for the periodical payments, his representatives become entitled to a proportionate part of the accruing proceeds up to the day of his death. Before this act there was no such apportionment; and as Mr. Smithson's will came into operation before it was passed, Hungerford's representatives have no claim to any of the dividend that accrued after the last dividend day that happened previously to his decease. I

asked how this would stand with the case I drew up for the opinion of counsel, as transmitted with my No. 4, in which, among other things, I stated under the sanction of the solicitors that "Mr. Hungerford received the income arising from the testator's property up to the time of his death." They replied that this was nevertheless correct; he did receive all that had accrued up to that time, but there was a dividend in progress which, as it had not actually arisen and could not have been claimed by Hungerford in his lifetime, his representative has no claim to it after his death. Such was their explanation.

It is not for me to say how far this lends any equity to any fraction of Monsieur la Batut's claims or requisitions. It is a familiar maxim, that those who ask equity should do equity. The United States will succeed to all that the law of England gives them, as the lord chancellor may expound and apply that law to their special predicament under the will, having due reference, no doubt, to the rights of all other parties before the court; and whatever may be the amount adjudged in their favor, my uniform declaration is that Congress alone would have the power to reduce it. I add, as explicitly, that to no one can I give the remotest encouragement or hope that it would be reduced, and least of all to one so unreasonable, so exacting, and apparently so bent upon thwarting the rights of the United States as Monsieur de la Batut.

I have the honor to remain, with great respect, your obedient servant,  
RICHARD RUSH.

Hon. JOHN FORSYTH,  
*Secretary of State.*

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*Richard Rush to Clarke, Fynmore & Fladgate.*

PORTLAND HOTEL, GREAT PORTLAND STREET,  
*July 21, 1837.*

GENTLEMEN: Having at all times made known my wishes for a speedy decision of the case you have in hand for the United States, I need not here repeat them, but as the time approaches when the court of chancery will adjourn over to November, I must ask you to inform me what seem the prospects.

Remaining your obedient servant, RICHARD RUSH.  
MESSRS. CLARKE, FYNMORE & FLADGATE.

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*Clarke, Fynmore & Fladgate to Richard Rush.*

43 CRAVEN STREET, STRAND,  
*July 22, 1837.*

DEAR SIR: In answer to your letter of yesterday, on the subject of Mr. Smithson's bequest to the United States, we beg leave to inform

you that we have used all the means in our power to bring the matter to a close, but we are still unable to state any definite period at which you might expect to receive the funds.

Our inquiries in Italy have, we trust, put us in possession of such evidence as will fully establish the fact of Mr. Hungerford's death, without having been married; but however important it may be to do this, still there is another point to be settled before the funds will be available to the United States. This point is the claim of Madame de la Batut, under the will of Colonel Dickinson (whose executor Mr. Smithson was), under which will she is entitled for her life to half the Colonel's property.

The outline of this claim is that Mr. Smithson possessed himself of all Colonel Dickinson's estate, and never rendered to Madame de la Batut any account of it, and that, not having done so, she has now a right to call upon Mr. Smithson's executor to do that which he in his lifetime ought to have done. Mr. Drummond has no means of rendering this account; but until the claim is set at rest the court could not, of course, order the funds forming part of Smithson's estate to be paid over to the United States. As for anything that appears to the contrary, the greater portion of these funds might have arisen from the property of Colonel Dickinson. Our object now, therefore, is to induce Madame de la Batut to come in and establish some claim in the present suit (the amount, however, of which we seek, as much as possible consistently with justice, to reduce), so as to bind her by the present suit and make it conclusive upon the subject.

Her advisers have but little evidence to offer in support of her case, and have, in consequence, very much delayed the necessary proceedings. We pressed them as much as possible, and, indeed, threatened to bar them by getting the master to report against them; but, in reply to this, they intimated that if we did so, they should give notice to Mr. Drummond to hold the funds, and file a bill against him, as executor of Smithson, for an account. As this would be attended with more delay and expense than it is likely there will be in the present proceedings in the master's office, we are induced to afford every indulgence, urging only all possible dispatch, which, as fortunately Madame de la Batut's solicitors are persons of the highest respectability, we are sure they will use.

We are, your very obedient servants,

CLARKE, FYNMORE & FLADGATE.

RICHARD RUSH, Esq.

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*Richard Rush to John Forsyth.*

LONDON, *July 28, 1837.*

SIR: I received on the 26th instant, from our minister, Mr. Stevenson, a petition addressed to the President by M. de la Batut, now it

seems in France, on the subject of his claims, which had been sent to Mr. S. by Mr. Anderson, *chargé d'affaires* of the United States at Paris. The nature of these claims is sufficiently stated in my letter of the 24th of last month, and I need not therefore repeat that, according to the view I take of them, they are altogether unreasonable. In writing to Mr. Anderson upon the subject, which I did yesterday, I informed him that Monsieur de la Batut had been in London, urging them upon those who are charged with conducting and superintending the case of the United States before the court of chancery in the matter of the Smithsonian bequest, and that our Government had been apprised of them through my communications to you; that as they were adverse to the interests of the United States, and had been pursued in an adverse manner by M. de la Batut when here, it was not for me to aid in transmitting his paper to the President; but that as he might wish to have it again, to make his own use of it, I was at a loss how to dispose of it otherwise than by returning it to him (Mr. Anderson), which I therefore felt myself obliged to do, with the explanation here given. Mr. Anderson was probably not before acquainted with any of the circumstances I stated.

I have deemed it right to inform you of the step thus taken in regard to this petition, and hope it will appear to have been proper. I ought to mention, whilst on the subject, that on the first arrival of M. de la Batut in London I caused him to be informed that, although in no event was I authorized to promise him anything from the United States, yet if he promptly afforded the facilities to their suit in chancery, which he justly might, by stating facts within his immediate and full knowledge respecting young Hungerford, he would naturally stand well with our Government; and that, as far as the expression of any favorable opinion of mine towards him was concerned, he would necessarily earn it. Far from listening to what was so unobjectionable, he refused, as made known in one of the letters enclosed with my last, to give any evidence whatever for the United States, except on condition of a previous pledge from me to support all his claims, not perceiving, though so informed that such a pledge, had I even made it, could have availed him nothing.

It may be proper to mention here, also, that it never was my intention, and so I instructed our professional advisers, to raise any captious objections to Monsieur la Batut's claim in right of his wife, so long as he kept it within the limit of the bequest made to her by the will of Henry Louis Dickinson, as explained in my No. 6. The bequest may amount, as I now understand the case, to £240 sterling a year, at the utmost, during the life of the wife. All I demanded was, that this claim should be substantiated by fair proof, and be adjudged by the court, as I had no authority to give an independent assent to anything that might diminish the fund bequeathed to the United States by Mr. Smithson.

But to suggestions like these he was alike insensible, preferring to take the course and put forward the extravagant claims I have described. I have no fears that the court will allow them; but there is ground for apprehending that he may be able to cause future, as he has past, delays. There is no hope of bringing the case to a conclusion during the present term of the court. It ends next month, and the next term does not commence until November. The master in chancery has not yet made his reports on any of the references made to him by the court, as explained in my No. 9, although I have urged them on by all the means I could use, and will not fail to continue my efforts whilst the present term lasts. Had it not been for the obstructions created by Monsieur de la Batut, this part of the case would have been expedited, and a door the sooner opened by which the United States might have got possession of the fund.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

Hon. JOHN FORSYTH,  
*Secretary of State.*

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*Richard Rush to John Forsyth.*

LONDON, August 1, 1837.

SIR: I transmit, herewith, a copy of my account for the year ending yesterday. I also send a list of my drafts upon the bankers of the United States within the same period as authorized by your letter to the late N. M. de Rothschild of July the 11th, 1836.

The only bill I have yet paid, because the only one I have been able to get in, for legal expenses actually incurred, was one of two hundred pounds four shillings, on the 8th of April, as shown by my draft upon the bankers of that date. For this a voucher is enclosed, with a full statement of the account. More expense, considerably, has been incurred under this head, but no second account has hitherto been rendered to me, although I have asked for and been desirous of obtaining it, the solicitors saying that the items going to make it up are, many of them, still dependent upon services outstanding and incomplete. The heaviest legal expenses will, I apprehend, come in at the final close of the suit. When this will be I dare not promise, since none of our professional advisers will undertake to inform me precisely, although none, I believe, can exceed them in diligence and fidelity, and although they are urged by my reiterated instructions to use all the expedition practicable. The necessity of a reform in the court of chancery was the subject of a special recommendation from the Throne to Parliament, at the session before the last. Its business is very much in arrears. Mr. Pemberton, the leading counsel of the United States, who is also a member of the House of Commons, stated

in his place in that body, in February last, that the arrears amounted to between 300 and 400 cases two years before, but that they had grown to upwards of 800 at the time he was speaking. The cases, in a large proportion, are also of great magnitude.

The Attorney-General on the same occasion remarked that whilst throughout a long course of time the population of England had been increasing sixfold and her wealth twentyfold, the judicial establishments had remained nearly the same, so as to amount almost to a denial of justice. There are only eleven masters in chancery, whilst there are those who think that double the number would scarcely be sufficient for the wants of the court in all the different departments of its business at the present epoch. In the midst of such discouragements, and I am bound to state them as truly such, I still do not despair of having the case of the United States brought to a final and successful close in the course of the ensuing winter or spring; it shall be sooner, if possible, as all obstructions that might once have been thought to imply serious difficulty or danger are, I think, overcome. Nevertheless, no assurance can be given that it will be finished as soon as the latest period mentioned. Should it last even through the winter, and my last letter will have informed you that the next term of the court (the present drawing to a close) will not be held until November, there is reason to believe that the fund created by the act of Congress of the 1st of July, 1836, will, through the accruing legal charges and drafts, to which the fund is otherwise liable under your instructions, be exhausted.

In regard to the first legal account, now inclosed, I can only say that I believe it to be reasonable, judged by the standard of similar charges in this country. I felt myself to be an incompetent judge of all the minute items, filling fourteen pages, folio, of an account founded upon the multifarious and artificial proceedings in an English court of chancery; but I went over the whole, judging as well as I could of each, and obtained explanations from the solicitors where I found them necessary. I also sought other aid; I resorted to a citizen of the United States now here, intelligent and trustworthy, and conversant with such accounts from having superintended several suits in which American interests were at stake in English courts. His opinion was decidedly favorable to the justice and even general moderation of the items, tried by the precedents of which he had knowledge. These precautions, added to the fair character of the solicitors, and their verification, severally, by my request, of the whole account, in the special manner that will be noticed at the foot of it, afforded the only guaranties I could command for its correctness.

I have the honor to remain, with great respect, your obedient servant,  
RICHARD RUSH.

Hon. JOHN FORSYTH,  
*Secretary of State.*

*Clarke, Fynmore & Fladgate to Richard Rush.*

43 CRAVEN STREET, *August 18, 1837.*

DEAR SIR: The court having now risen for the long vacation, we deem it our duty to report to you briefly the state of the cause to which the President of the United States and Mr. Drummond are parties, instituted for the purpose of enabling the President to receive the legacy given by the will of Mr. Smithson.

Pursuant to your constant instructions to bring the matter to a termination with all practicable dispatch, we have been actively occupied in satisfying the inquiries directed to be made by the decree of the 1st of February last, and, although the master's report touching these inquiries is not yet made, we have been so far successful as to induce us to hope that we should satisfy him upon all points, and obtain early in the next term such a report as will insure the speedy receipt by you, on behalf of the President, of the funds in question.

You will remember that these inquiries were threefold: (1) As to Fitall, the annuitant under the will of Smithson. (2) As to Hungerford's death, unmarried and without issue. (3) As to the alleged claim of Madame de la Batut.

On the first point we have no difficulty, having obtained a certificate of the death of Fitall, whose annuity was paid up to the time of his death, except only the last quarter, which his widow will now receive.

2. As to Hungerford's death without issue, we have obtained a certificate of the death of one Henri de la Batut, under which name we found that he had died, and we have also obtained a certificate, identifying de la Batut with Henry James Hungerford. We have, as directed by the decree, advertised in the newspapers here, in France, and in Italy, touching any wife and children, and these advertisements have produced no claimants. We have obtained from France other confirmatory evidence on these points, among the rest, Monsieur de la Batut's statement (which however, you will remember he refused to confirm on oath), and we have little doubt, as above observed, that the evidence obtained will be such as to satisfy the master upon the subject.

These inquiries have of course consumed much time, but we should have had the report before this had it not been for the remaining point, the claim of Madame de la Batut. As stated in our letter addressed to you on the 22d of July, it is most important that the claim should be disposed of in the present suit; and we are happy to say that the claim has now been formally made, and, we trust, in such a shape as will, if it be sustained by the court at all, bar any ulterior proceedings. The evidence in support of it is not strong, and, for the purpose of strengthening it, interrogatories for the examination of Mr. Drummond have been brought into the master's office; which,

however, will not have the desired effect. These interrogatories were exhibited by Madame de la Batut, after much pressing on our part, and we are now employed in answering them. Having done that, we shall proceed to get the claim settled, if possible, by the allowance of some small sum, and every difficulty will then be at an end.

You may rely on our utmost exertions in bringing the matter to a close; and we are, your very obedient servants,

CLARKE, FYNMORE & FLADGATE.

TO RICHARD RUSH, Esq.

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*Richard Rush to John Forsyth.*

LONDON, August 19, 1837.

SIR: Desiring, before the court of chancery rose, some opinion in writing from the solicitors as to the prospects of a decision of the case, I addressed a few lines to them on the 21st of last month, as by inclosure No. 1, and received an answer the day following, a copy of which (No. 2) is also inclosed. I did not send it to you at that time, or with either of my letters written since, because, although I went to them in person several times, in the hope of verbal explanations that might render it more definite, I found that there was no probability of obtaining any to that effect until after the court had actually risen, at which time I requested they would furnish me with a further communication. The court rose a few days ago, and I yesterday received from them the report, a copy of which (No. 3) is now also transmitted, as the suitable accompaniment to their letter of the 22d of July.

I am happy to find it more satisfactory than that letter; the letter left it doubtful when the obstructing claim of Madame de la Batut, an outline of which is given in their letter, would be put into a proper shape for examination and settlement. Nor could I urge any longer the expediency of a report by the master, during the existence of the term, under reiterated assurances from our solicitors of what is stated in their letter, viz, that to do so might have led to a course, on the part of the solicitors of Madame de la Batut, productive of more delay and expense than are likely to flow from the master's report being withheld until the next term.

The solicitors' report to me, dated yesterday, besides embodying a succinct statement of the steps taken in the cause since the decree in February, shows that the la Batut claim is at length placed upon a footing to be met and decided upon by the court, which it has been my constant aim to see effected; and although they write with caution as to any precise time when a final and favorable decision of the cause on all its points may be expected, their report is encouraging. I can only

add, that nothing shall be omitted by me when the court recommences, or during the vacation, toward securing as prompt an issue to the whole proceedings as may be found practicable.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

Hon. JOHN FORSYTH,  
*Secretary of State.*

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*Richard Rush to John Forsyth.*

LONDON, *October 18, 1837.*

SIR: Since transmitting the duplicate of my No. 15, nothing material has occurred for your information. The long autumnal vacation has been going on, and is not yet expired. The business of the court of chancery has therefore been at a pause, and no further proceedings have been had in the suit of the United States.

But I have from time to time called upon the solicitors, and am able to report that they have not been idle during this interval. They have been employed in preparing answers to certain interrogatories exhibited on the part of Madame la Batut, with a view to establish her claim; and the strict and careful inquiries they have instituted, and will continue to pursue, assure me, although no facts are yet ripe for communication, that the interest of the United States will be well guarded in relation to it. The court will sit again next month, when the steps which the solicitors have been taking, in anticipation of its commencement, will in due time, I trust, be productive of the proper results. The claim in question has been so vexatiously urged, that my directions have been given for the closest scrutiny into its merits at all points.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

Hon. JOHN FORSYTH,  
*Secretary of State.*

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*Richard Rush to John Forsyth.*

LONDON, *October 27, 1837.*

SIR: The court of chancery will resume its sittings next week, and I have this week been in conference with our solicitors, urging them to act expeditiously. Evidence obtained on the la Batut claim, and on other points, now only waits a few forms to go before the master, from whose office a report may be anticipated, as I am confidently told, at a day not distant after the meeting of the court. I trust that this will be the case, and that the report may be satisfactory.

At our conferences, the point of a new power to me from the President, similar to my former one, has been touched upon. It is not considered certain that one will be required; but is deemed to be safest, I find, that I should be armed with one, as the court might possibly ask for it, in the event of a favorable decree, prior to the final order for delivering the fund to the United States, even should the defendant's counsel or the Attorney-General not raise the objection. I will therefore ask the favor of such a power; and as I am at present sanguine in the expectation of a favorable as well as early decision, should nothing unforeseen arise, its transmission as soon as convenient after this request gets to hand might prove desirable.

I have the honor to remain, with great respect, your obedient servant.

RICHARD RUSH.

Hon. JOHN FORSYTH,  
*Secretary of State.*

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*John Forsyth to Richard Rush.*

DEPARTMENT OF STATE, *November 13, 1837.*

SIR: The account heretofore rendered by Mr. Brent, our consul at Paris, for moneys expended by him in precautionary measures to obtain for the United States certain properties supposed to belong to the estate of the late Mr. Smithson, of London, and which formed the subject of a letter of instructions to you, dated the 17th of November last, has been again presented to this department for consideration. After a proper examination the President deems it just that the charge for the professional services of Messrs. Castaignet and Delagrangé should be allowed and paid. You are accordingly authorized and requested to discharge Mr. Brent's bill amounting to 272.25 francs, without unnecessary delay. In the final settlement of your account this item may be debited to the Smithsonian legacy, if recovered, and if not to the appropriation for prosecuting the claim of the United States to the said legacy.

I am, sir, your obedient servant,

JOHN FORSYTH.

RICHARD RUSH, Esq., etc.

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*Richard Rush to John Forsyth.*

LONDON, *December 16, 1837.*

SIR: The court of chancery met on the 2d of last month, and continues in full session. It was the commencement of the Michaelmas term.

If I have not written to you since the sittings of the court were resumed it is because I have had heretofore no special matter to communicate, although doing all in my power to accelerate the progress of the suit committed to my superintendence, and endeavoring especially to hasten the report of the master on all the matters referred to him by the court's decree of the 1st of February. I mentioned in one of my letters that there were upward of 800 suits in arrear in this court, some of which it might have been added involve in their issue sums exceeding in amount the sum claimed by the United States. From this cause, which naturally overburdens with business the offices of the masters, it has in part arisen that the master's report in the suit of the United States has not hitherto been made.

But at length, this week, it was in readiness to go in, and would have embraced, among other things, a favorable report on the claim of Madame la Batut to the amount of about £150 a year, to be paid to her out of the Smithsonian fund during her life. It will be seen how large a reduction has thus been effected of the demands put forth on her behalf, as my past letters have made them all known to you. Our solicitors have rather a confident opinion that there is a prospect of disproving this demand by further evidence yet attainable in France, and I have consequently directed them to take the proper steps for procuring it with all dispatch. It is not believed that more than a month will be required for procuring it, and the master's report will be withheld in the meantime. When it arrives, it will be my province to look well to its nature and probable effect, that on the one hand nothing may be lost to which the United States may seem justly entitled, and on the other that the great result of the suit be not put in jeopardy or injurious delays risked by doubtful contests for fractional sums.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

Hon. JOHN FORSYTH,  
*Secretary of State.*

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*Richard Rush to John Forsyth.*

LONDON, *December 21, 1837.*

SIR: I had the honor to receive on the 18th instant your instructions of the 13th of November, authorizing and requesting me to pay an account amounting to 272.25 francs, forwarded to the Department by Mr. Brent, our consul at Paris, the subject-matter of which was formerly made known to me in your letter of the 17th of November, 1836, to which I replied in my No. 6, on the 9th of January following; and I beg leave to say that on the 19th instant I accordingly

remitted to Mr. Brent the above sum, to be debited, as your letter indicates, to the Smithsonian legacy, if recovered, \* \* \* and if not, to the appropriation for prosecuting the claim of the United States to the said legacy.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

Hon. JOHN FORSYTH,  
*Secretary of State.*

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*John Forsyth to Richard Rush.*

DEPARTMENT OF STATE, *December 27, 1837.*

SIR: Your dispatches to No. 17, inclusive, have been received. In compliance with the request contained in your letter of the 27th of October last, and subsequently urged in your private letter of the 31st of the same month, I transmit to you, inclosed, a new power from the President to provide for the contingency, which you think probable, of such instrument being demanded either by the court, the attorney-general, or the defendant's counsel.

I am, sir, your obedient servant,

JOHN FORSYTH.

RICHARD RUSH, Esq., etc.

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*Richard Rush to John Forsyth.*

LONDON, *January 30, 1838.*

SIR: I had yesterday the honor to receive your letter of the 27th December, inclosing the President's renewal of my power to prosecute the Smithsonian claim, and receive the money for the United States whenever the same may be adjudged. It remains uncertain, as intimated in my communication of the 27th of October, whether the exhibition of the new power will be eventually demanded; but even if not, I trust the President will think it has been erring on the safe side, after what passed, to have it in my possession.

After my letter of the 16th of December, I had fully hoped that the evidence of which it makes mention would have been obtained from France before this time; but it seems that the French attorneys, who were written to upon the subject by our solicitors, mistook some of their instructions at first, which led to delay. They are now in expectation of receiving it daily.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

Hon. JOHN FORSYTH,  
*Secretary of State.*

*Richard Rush to Clarke, Fynmore & Fladgate.*

FEBRUARY 3, 1838.

GENTLEMEN: I understood, when with you on Wednesday, that the evidence obtained from France would not, in your opinion, be found sufficient to prevent the master's report embracing an allowance in Madame de la Batut's favor of about £150 a year during her life, with some arrearages calculated on that basis; and the evidence, as you exhibited and otherwise made it known to me, certainly led my mind to the same conclusion.

You added that, by sending out a commission from the court of chancery to Paris (a process not yet resorted to), you thought that evidence might still be obtained to defeat her claim; on which subject I should be glad to receive answers to the following inquiries, as far as in your power to give them to me:

First. What would be the probable expense of that process?

Second. How long before its full execution and return might be expected?

Third. Assuming that the evidence, when so obtained, struck your minds, our counsel's, and my own, as sufficient to defeat the claim, yet as it might not happen that the legal advisers of Madame de la Batut would take the same view of it, and thence contest its validity before the court, what further delays might such a turn in the case be likely, under all the circumstances, to lead to?

As I have so repeatedly made known to you my desire for the speediest decision of the case that may be practicable consistently with justice to the United States, I make no apology for asking a reply to these inquiries at as early a day as may be convenient.

I remain, your obedient servant,

RICHARD RUSH.

MESSRS. CLARKE, FYNMORE & FLADGATE.

*Clarke, Fynmore & Fladgate to Richard Rush.*

43 CRAVEN STREET, STRAND,

February 8, 1838.

DEAR SIR: We have to acknowledge the receipt of your favor of the 3d instant, containing certain queries touching the measures which may be adopted in respect of the claim of Madame de la Batut.

In reply, we beg to state that, so long as proceedings in the English court of chancery are conducted as amicable suits, when both parties unite in a wish to obtain the direction of the court, without unnecessary delay, it is a matter of no great difficulty to calculate their probable duration; but circumstances sometimes arise, even in such suits, that prove the calculations fallacious. When once, however, a suit

ceases to be so conducted, and parties come in whose interest it is to throw impediments in the way of a decision, any calculation as to either delay or expense must be a matter of little better than guess. So many unforeseen points may arise, and the practice of the courts affords such facilities for a hostile party to obstruct the course of justice, that the most experienced lawyers hesitate before they attempt to give an opinion upon the subject. If in the present case Madame de la Batut's claim be further resisted, the suit will become one to which these observations apply; or Madame de la Batut might perhaps abandon the claim now brought in, and try to impede us by filing an original bill for its establishment. We do not think this likely, but it is not impossible.

Having said thus much, we will proceed to answer the queries.

We think that within three months evidence might be obtained of the facts necessary to defeat Madame de la Batut's claim, and that such evidence might be procured either by sending over a commission to Paris, for the examination of witnesses, or by bringing interrogatories into the master's office for the personal examination of Madame de la Batut and her husband. We now know so much of the case that Madame de la Batut would hardly venture to deny any of the necessary facts; but this is not quite certain.

We think that the expense of a commission to examine witnesses would not exceed £150. The expense of interrogatories for the examination of Madame de la Batut would be trifling; probably £30 or £40.

Assuming that the requisite evidence were obtained, we are inclined to think that, notwithstanding Madame de la Batut's resistance, the suit might be wound up before the rising of the court for the long vacation; but, after the observations we have thought it our duty to make in the early part of this letter, you will be able to judge how far this opinion can be relied on.

You will bear in mind that the decision of the master is not final. Exceptions may be taken to his report and argued before the court; and even an appeal may be brought against the decision of the vice-chancellor, or master of the rolls, and the cause might be taken to the House of Lords. The delay under such circumstances would be very great.

We are your very faithful and obedient servants,

CLARKE, FYNMORE & FLADGATE.

RICHARD RUSH, Esq.

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*Richard Rush to Clarke, Fynmore & Fladgate.*

FEBRUARY 9, 1838.

GENTLEMEN: Your communication of yesterday's date was received, and is satisfactory by its fullness and candor.

Under its representations, I determine not to seek further evidence, by a commission to Paris or otherwise, for the purpose of further reducing the claim of Madame de la Batut.

Let the master's report in this respect be, therefore, made in the state I understood it to have been settled by him; and, now that I take this determination, I trust that it will be made at a very early day.

I need scarcely reiterate to you my most earnest wishes for a speedy decision of the case, or my instructions that you will urge it on with all the expedition in your power.

In the hope that the decision will be in all things favorable, as well as speedy, I remain your faithful and obedient servant,

RICHARD RUSH.

Messrs. CLARKE, FYNMORE & FLADGATE.

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*Richard Rush to John Forsyth.*

LONDON, *February 12, 1838.*

SIR: The day after my last number was sent off, I received information from the solicitors that some of the evidence expected from France had arrived, but that it was not of validity to repel the claim of Madame de la Batut. From as much, however, as it disclosed, they pronounced a strong opinion that if a formal commission issued from the court, evidence might finally be had that would defeat it.

On fully weighing what they said, I wrote them a note on the 3d instant, requesting answers to the following inquiries:

1. What would be the probable expense of a commission?
2. How much time would be required for its execution and return?
3. Supposing the evidence obtained under it to be sufficient in their opinion, our counsel's, and my own, to defeat the claim; yet, as the legal advisers of Madame de la Batut might not take the same view of it, and thence contest it, what further delays might such a turn in the case become the means of producing? (I inclose a copy of my note.)

I received an answer from them dated the 8th, a copy of which is also inclosed.

Referring specifically to my inquiries, it will be seen—

1. That they estimate the expense of a commission at £150.
2. That they think it might be executed and returned within three months.
3. That, assuming the requisite evidence to be obtained, they incline to think the suit might be wound up before the rising of the court for the long vacation (which means in August next); but after the introductory observations of their note, which advert to the uncertainty of

all previous calculations as to the duration of suits in chancery, they leave me to judge how far this opinion of theirs is to be relied upon; and they conclude with an intimation that the case might, in the end, be taken before the House of Lords on appeal; in which event the delay, they add, would be "very great."

I have determined, under these circumstances, not to seek further evidence by a commission to France or otherwise for defeating the claim, and accordingly wrote to them, on the 9th instant, to proceed with all expedition in bringing the suit to a close without it. A copy of this note is also inclosed. As to bringing interrogatories into the master's office for the personal examination of Madame de la Batut and her husband, as adverted to in the answer from the solicitors, I say nothing of the objections to that mode of getting at more evidence, the solicitors themselves forestalling me by an admission that they could not be certain of its success.

I hope that the determination to which I have come will be approved as judicious. This claim has been already, by full scrutiny and resistance, greatly cut down from its original injustice and extravagance, as a reference to my No. 12 of the 24th of last June will show. That it might be wholly defeated by going on to pursue measures within our power, I incline to believe. The solicitors tell me that they think so decidedly, and their letter is to the same effect. But it is now necessary to balance the advantage to be gained by doing so against the time and money it would cost. The report in favor of the claimant, as the master has determined to make it in the state of the evidence as now before him, will not, by the information I have received and heretofore communicated, be likely to exceed £150 a year, payable during her life; to which will have to be added a few years of arrears, calculated on the basis of whatever may be the precise amount of the annuity allowed. The claimant, as far as I can learn, is about sixty years old. Hence, supposing that measures necessary for the total defeat of her claim occupied only another twelvemonth, it seems probable that the very cost of the agency for going on with them, added to all unforeseen legal fees and expenses, might prove more than the annuity is worth. That the suit would be lengthened out another twelvemonth by going into the measures in question can scarcely, I think, be deemed a strained inference from all that the solicitors say in their letter, not to dwell upon contingencies coming within its scope that might make the time longer. Should the suit reach the House of Lords, for example, by appeal, it would not be easy to assign a limit to its duration.

I trust, therefore, it will be thought that I exercise a proper discretion as representing the interests of the United States in determining not to expose myself to any of these hazards and new ones that might even chance to spring out of them as time was opened for their operation. It seems to me, conclusively, that I should henceforth

rather strive to obtain a decision of their suit as speedily as possible, regardless of the small and temporary diminution of the fund, should it be finally adjudged in their favor, which the foregoing payments to Madame de la Batut would occasion. Opposition has been effectively made to the claim up to the point, it is believed, that duty enjoined and prudence would sanction; to go farther seems not reconcilable with the latter, under the certain and contingent delays and dangers I set forth.

The occasion may be a fit one for remarking that when this claim first assumed a vexatious aspect last summer, my immediate wish and suggestions were to get a decree in favor of the United States for the general fund, leaving such fractional portion of it sub judice as would have been sufficient to satisfy the claim if established; thus cutting short delay from this source by which this agency might have had the chance to be closed the sooner, and the bulk of the fund secured to the United States at the earliest possible day. The last I hold an object of pressing importance, encompassed, as all lawsuits more or less are (to say nothing of the peculiar nature of this), by hidden risks. But it was part of the vexation of the claim that our legal advisers found the course I desired to pursue impracticable for the reason mentioned in the letter of the solicitors of the 22d of July, a copy of which was forwarded with my No. 15 on the 19th of August.

Now that this obstruction is removed from my path by the determination I have taken in regard to it, I indulge the hope that no new one will be thrown across it; and can only repeat the assurance that nothing within my power shall be left undone toward accelerating the suit, anxiously desiring, on all public and personal accounts (if I may speak in the latter sense), to see it terminated.

In the continued hope that the decision when it comes may be favorable, I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

The HON. JOHN FORSYTH,  
*Secretary of State.*

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*S. Pleasanton to John Forsyth.*

TREASURY DEPARTMENT,  
FIFTH AUDITOR'S OFFICE,  
*March 14, 1838.*

SIR: In reply to your letter of this morning, I have the honor to inform you that the amount of the appropriation made by the act of Congress of July 1, 1836, for the expenses of prosecuting the claim

of the United States to the Smithsonian legacy, was remitted to their bankers in London, on the 16th of the same month—\$10,000.

Of which sum the said bankers have paid to the order of Richard Rush, the agent appointed under that act, from August 1, 1836, to December 31, 1837 ..... \$8,493. 11

Applied as follows, viz:

Agent's salary for one year, ending July 31, 1837.....	\$3,000. 00
Personal and other expenses (excepting law expenses) same period.....	2,000. 00
Paid Clarke, Fynmore & Fladgate, solicitors, at London, for various professional services in relation to the legacy .....	889. 77
	<hr/>
Credited to Mr. Rush on accounts rendered by him .....	5,889. 77
At the above rates of salary and expenses, the agent will be entitled to credit up to December 31, 1837, exclusive of law expenses for one-half year, ending with that date .....	2,500. 00
	<hr/>
	8,389. 77

Leaving a balance, to be accounted for by him, of..... 103. 34

The balance remaining unexpended by the bankers, of the appropriation in question, on the 31st of December last, was, as will be perceived from the above statement, \$1,506.89.

I have the honor to be, very respectfully, sir, your obedient servant,

S. PLEASANTON.

Hon. JOHN FORSYTH,  
*Secretary of State.*

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*Richard Rush to John Forsyth.*

LONDON, *March 28, 1838.*

SIR: Since the date of my last letter, the report of the master has been duly made, and yesterday it was confirmed.

This is a step forward in the case which I am at length happy to announce. It is second in importance only to the decree of the court on the whole merits, and has laid the best foundation for speedily obtaining that decree.

The precise sum that the report allows to Madame de la Batut is £150 9s., to be paid to her annually during her life, with a payment of arrears, to be calculated on this basis, from some period in 1834; the exact date of which I have not at this moment, but will mention when I next write.

The court takes a recess next week for the Easter holidays; these will last until the 17th or 20th of April. The case will be set down for another hearing before the court at as early a day as I can command after it reassembles. A decree, I am informed, will be pro-

nounced after this hearing on all the facts as settled by the master—a favorable one, as I hope, for the United States.

By the determination I took respecting the claim of Madame de la Batut, as announced in my last, her professional advisers, knowing that she can now get no more than the report allows her, are interested in cooperating with me towards a prompt decision, instead of resorting to adverse proceedings to prolong or thwart it—a course which they have been more or less pursuing hitherto.

On better grounds than ever I think I may, therefore, flatter myself that the case approaches its conclusion; and I will only add that its remaining stages shall be watched by me with a care proportioned to the auspicious results that I believe to be near at hand.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

Hon. JOHN FORSYTH,  
*Secretary of State.*

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*Richard Rush to John Forsyth.*

LONDON, *April 24, 1838.*

SIR: The court reassembled last week, since which I have been doing all that is practicable, by personal calls upon the solicitors and otherwise, to urge on the case, and shall continue this course.

Judging by all they say to me, and my own knowledge of the present situation of the case, I have a confident and, I trust, well-founded belief that May will not elapse without its being brought to a hearing.

Referring to my No. 22, I now beg leave to state that the 22d of September, 1834, is the date from which the annuity allowed by the master's report to Madame de la Batut was to commence; and that the arrears to be paid to her, in the event of a decision in favor of the United States, were to be computed from that time to the 22d of March last. This makes three years and six months, so that the sum due on an annuity of £150 9s. would be £526 11s. 6d.

I have the honor to be, with great respect, your obedient servant,

RICHARD RUSH.

Hon. JOHN FORSYTH,  
*Secretary of State.*

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*Richard Rush to John Forsyth.*

LONDON, *May 3, 1838.*

SIR: I am glad to say that the confidence expressed in my last that a hearing of the case was near at hand has been justified, even sooner than I expected, for it was heard on the 1st of this month, and I am now to have the honor of reporting to you the nature of the hearing.

Mr. Pemberton, our leading counsel, rose, and after recapitulating the general nature of the case, as formerly heard by the court, proceeded to state that the reference to the master as ordered by the decree in February, 1837, had duly taken place, and that all the requisite evidence had been obtained in England and from Italy and France, as to the facts on the happening of which the United States were to become entitled to the fund bequeathed by Mr. Smithson for the purpose mentioned in his will. These facts I need not here repeat, being already set forth specially in my No. 9, of the 25th of March, 1837.

Overlooking a volume of matter merely technical in the evidence and report, or now become immaterial to the main points, it will be sufficient to say that it was satisfactorily established by the former that Henry James Hungerford, named in the pleadings, was dead; that he died at Pisa, in the summer of 1835; that he was not married at the time of his death, nor at any time; and that he died childless. It was not found how old he was at the time of his death; nor is that material to any of the issues. As to John Fitall, it was found that he died in London in June, 1834; and as to Madame de la Batut, the mother of Henry James Hungerford, the master, on the evidence before him, found her to have a claim on the estate of Mr. Smithson to the amount of £150 9s. a year, payable as long as she lives, and for the arrears of this annual allowance from the 22d of September, 1834, to the 23d of last March.

The establishment of all the foregoing facts will be found to meet the essential inquiries to which the master's attention was directed by the court's first decree, as reported in my No. 9. Mr. Smithson's will having provided, among other things, that on the death of his nephew, Henry James Hungerford, "without leaving child or children," the whole of his property should go to the United States; and this primary fact being now incontestably established in due and legal form under the authority of the court, and all other proof required by the pleadings obtained, Mr. Pemberton asked for a decree declaring the United States entitled to the property. The representative of the Attorney-General, who was present in court, said that he believed everything had been established, as stated, and that the rules relating to public charities, as applicable to this case, calling for no objection on the part of the Crown, none would be interposed—a course that falls in with what was said by the same officer on the occasion of the first decree, as reported in my No. 7.

The counsel of the defendants, Messieurs Drummond, agreed also to what was stated, and had nothing to allege in opposition to the claim of the United States.

The counsel of Madame de la Batut were also content; the course I took, as made known in my No. 21, having put an end to opposition from that quarter.

All essential facts being at length fully and formally established, and

opposition from all quarters quieted by the measures I have directed, there seemed no reason why a decree in favor of the United States should not at once be pronounced; but Mr. Pemberton having stated that, in the end, a petition would have to be presented for a transfer of the fund to me, as representing the United States, the master of the rolls said that he would pause upon his final decision until that petition was presented.

It is thus that the case now stands. It will come on again one day next week, and I have every ground for believing that my next communication will inform you of a decree having passed declaring the United States entitled to the fund.

Should the forms of chancery require any authentication of my power to receive the fund that Mr. Stevenson can give, he will be ready at any moment to give it, as he has assured me; and should his important aid be otherwise needed in any way before the suit is closed, I shall not scruple to call upon him, knowing how zealously he would afford it.

I have the honor to remain, with great respect, your obedient servant,  
 RICHARD RUSH.

Hon. JOHN FORSYTH,  
*Secretary of State.*

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*Richard Rush to John Forsyth.*

LONDON, *May 12, 1838.*

SIR: I have great satisfaction in announcing to you, for the President's information, that the case came on to be heard again on the 9th instant, when a decree was solemnly pronounced adjudging the Smithsonian bequest to the United States.

Both my powers had been previously lodged with the court, not one only, as stated in newspaper reports of the case, and no question was raised as to my full authority to receive the money on behalf of the United States, without calling for any further authentication of my powers.

The suit is therefore ended without fear of more delays, nothing but a few forms remaining to put me in actual possession of the fund. These, I have the hope, may be completed within the present month.

The fund is invested in the stocks of this country, of which I shall in due time have an exact account. The largest portion is in the 3 per cent annuities. The entire aggregate amounts to fully £100,000, and this, according to my present information, exclusive of about £5,000 to be reserved by the court to meet the annual charge in favor of Madame la Batut during her life, the sum producing it to revert to the United States when she dies.

As soon as the decree is formally made up, the accountant general of the court will transfer all the stock to me, under its sanction, except the small sum to be reserved as above.

Having no special instructions as to what I am to do with it, my present intention is to sell the whole at the best time and for the best prices to be commanded, and bring it over in gold for delivery to the Treasurer of the United States, in fulfillment of the trust with which I am charged. But I will reflect further upon the mode of bringing it home, and adopt that which, under all circumstances, may seem best.

The result I announce will, I trust, justify, in the President's eyes, the determination I took to let the allowance made to Madame la Batut by the master's report stand without attempting to upset it, whatever might have been the prospect or assurance of ultimate success. The longer the suit lasted the greater were the risks to which it was exposed. A large sum of money—the whole mentioned above—was to go out of the kingdom unless an heir could be found to a wandering young Englishman, who had died in Italy at eight or nine and twenty,<sup>1</sup> and whose mother, never lawfully married, still lives in France. Here was basis enough for the artful and dishonest to fabricate stories of heirship on allegations of this young Englishman having been married. That fact assumed, the main stumbling-block to their devices would have disappeared. Fabrications to this effect might have been made to wear the semblance of truth by offers in the market of perjury of Italy, France, and England—incidents like these being familiar to history, whether we take public annals or those of families; and although the combinations, however craftily set on foot, might have been defeated in the end, it is easy to perceive that time and expense would have been required to defeat them. The possibility of their being formed (never to be regarded as very remote while the suit remained open) made it my first anxiety, as it was always my first duty to have it decided as soon as possible and to take care even that it moved on during its pendency with no more of publicity to its peculiar circumstances than could be avoided. I trust that both these feelings have been discernible in the general current of my letters to you, reporting all the steps I have taken in it from my first arrival.

Need I add, as a further incentive to dispatch, had further been wanting, that events bearing unfavorably upon the public affairs of this country, above all upon the harmony or stability of its foreign relations, would not have failed to operate inauspiciously upon the suit, if in nothing else, by causing stocks to fall. They did begin to fall on the first news of the rebellion in Canada, not recovering until the accounts of its suppression arrived. The case is now beyond the reach of accident, whether from political causes or others inherent in its nature; and that its final decision thus early has been brought about by the course adopted in February, I am no longer permitted to doubt. Early may at first seem a word little applicable, after one entire year and the best part of a second have been devoted to getting

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<sup>1</sup> Believed to be the age of Henry James Hungerford, though not found in the master's report.

the decision; but when the proverbial delays of chancery are considered (and they could hardly have become a proverb without some foundation), it may not, perhaps, be thought wholly out of place. Although neither the counsel nor solicitors gave their previous advice to the course, it being a point of conduct for my decision rather than of law for theirs, it is yet satisfactory to be able to state that they approved it afterwards. They regarded it as best consulting the interests of the United States, on every broad view of a case where a great moral object, higher than the pecuniary one, was at stake, enhancing the motives for rescuing it, at the earliest fit moment, from all the unavoidable risks and uncertainties of the future. A fortnight has not elapsed since it was said in the House of Commons by an able member that "a chancery suit was a thing that might begin with a man's life and its termination be his epitaph."

— On the whole, I ask leave to congratulate the President and yourself on the result. A suit of higher interest and dignity has rarely, perhaps, been before the tribunals of a nation. If the trust created by the testator's will be successfully carried into effect by the enlightened legislation of Congress, benefits may flow to the United States and to the human family not easy to be estimated, because operating silently and gradually throughout time, yet operating not the less effectually. Not to speak of the inappreciable value of letters to individual and social man, the monuments which they raise to a nation's glory often last when others perish, and seem especially appropriate to the glory of a republic whose foundations are laid in the presumed intelligence of its citizens, and can only be strengthened and perpetuated as that improves. May I also claim to share in the pleasure that attends on relieved anxiety now that the suit is ended?

I have made inquiries from time to time in the hope of finding out something of the man, personally a stranger to our people, who has sought to benefit distant ages by founding, in the capital of the American Union, an institution (to describe it in his own simple and comprehensive language) "for the increase and diffusion of knowledge among men." I have not heard a great deal. What I have heard and may confide in amounts to this: That he was, in fact, the natural son of the Duke of Northumberland; that his mother was a Mrs. Macie,<sup>1</sup> of

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<sup>1</sup> His mother was Elizabeth Hungerford Keate Macie, being at the time of his birth, in 1765, the widow of James Macie, a country gentleman of an old family resident at Weston, near Bath. She was of the Hungerfords of Studley, a great grandniece of Charles, Duke of Somerset, through whom she was lineally descended from Henry the Seventh, and was cousin of that Elizabeth Percy who married Hugh Smithson (who later became Duke of Northumberland, and by act of Parliament took the name of Percy).

She inherited the property of the Hungerfords of Studley in 1766, on the death of her brother, Lumley Hungerford Keate, a matter of interest as indicating the probable source of a considerable portion of the Smithson bequest. (S. P. Langley, *The Smithsonian Institution, 1846-1896, History of its First Half Century, 1897.*)

an ancient family in Wiltshire of the name of Hungerford; that he was educated at Oxford, where he took an honorary degree in 1786; that he went under the name of James Lewis Macie until a few years after he had left the university, when he took that of Smithson,<sup>1</sup> ever after signing only James Smithson, as in his will; that he does not appear to have had any fixed home, lived in lodgings when in London, and occasionally staying a year or two at a time in cities on the Continent, as Paris, Berlin, Florence, Genoa, at which last he died; and that the ample provision made for him by the Duke of Northumberland, with retired and simple habits, enabled him to accumulate the fortune which now passes to the United States.<sup>2</sup> I have inquired if his political opinions or bias were supposed to be of a nature that led him to select the United States as the great trustee of his enlarged and philanthropic views. The reply has been that his opinions, as far as known or inferred, were thought to favor monarchical rather than popular institutions;<sup>3</sup> but that he interested himself little in questions of government, being devoted to science, and chiefly chemistry; that

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<sup>1</sup> It was only under circumstances which showed that he had no right to the name of Macie (which seems to have first been imposed upon him under circumstances which left him free to change it), that he in later life had that of Smithson, to which he had every moral right, legally confirmed to him. (S. P. Langley, *op. cit.*)

<sup>2</sup> The property disposed of by the will is believed to have been received chiefly from Col. Henry Louis Dickinson, a son of his mother by a former marriage, though he is known to have received a legacy of £3,000 from Dorothy Percy, his half-sister on his father's side; but unless through this, it is proper to state that there is no indication that any portion whatever of the Smithson bequest was derived from the Northumberland family. (S. P. Langley, *op. cit.*)

<sup>3</sup> The Smithsonian Institution received in 1884 abundant proof that Smithson was imbued with republican notions by a letter he wrote at Paris, May 9, 1792, to his friend Davies Gilbert, of the Royal Society, in which he says:

“Well! things are going on! *Ça ira* is growing the song of England, of Europe, as well as of France. Men of every rank are joining in the chorus. Stupidity and guilt have had a long reign, and it begins, indeed, to be time for justice and common sense to have their turn. \* \* \* Every Englishman I converse with, almost every Englishman I see or hear of, appears to be of the democratic party. Mr. Davis, high sheriff for Dorsetshire, left this town to-day and takes with him, it seems, a quantity of tricolor ribbon to deck his men with the French national cockades, and I do not think this example unworthy of imitation by those whose principles lead them to consider with indifference and contempt the frowns of the court party, to whom, doubtless, the mixture of red, white, and blue is an object of horror. \* \* \* Mr. Louis Bourbon is still at Paris, and the office of king is not yet abolished, but they daily feel the inutility, or rather great inconvenience, of continuing it, and its duration will probably not be long. May other nations, at the time of their reforms, be wise enough to cast off, at first, the contemptible incumbrance. I consider a nation with a king as a man who takes a lion as a guard-dog—if he knocks out his teeth he renders him useless, while if he leaves the lion his teeth the lion eats him.

“I remain, dear sir, yours, very sincerely,

“JAMES L. MACIE.”

(Smithsonian Report, 1894.)

this had introduced him to the society of Cavendish, Wollaston, and others advantageously known to the Royal Society in London, of which body he was a member, and to the archives of which he made contributions; and that he also became acquainted, through his visits to the Continent, with eminent chemists in France, Italy, and Germany. Finally, that he was a gentleman of feeble health, but always of courteous though reserved manners and conversation.

Such I learn to have been some of the characteristics of the man whom generations to come may see cause to bless, and whose will may enroll his name with the benefactors of mankind.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

Hon. JOHN FORSYTH,  
*Secretary of State.*

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“A.”

IN CHANCERY, MAY 12, 1838.

PRESIDENT OF THE UNITED STATES  
v.  
DRUMMOND.

} Order on further directions.

AT THE ROLLS, ———, Master of the Rolls—£3 10s.—76.

Between the President of the United  
States of America, plaintiff,  
and  
Charles Drummond and Her Majesty's  
attorney-general, defendants.

} Saturday, the 12th day of May, in the  
first year of the reign of Her Majesty  
Queen Victoria, 1838.

This cause coming on the 1st day of February, 1837, to be heard and debated before the right honorable the master of the rolls, in the presence of counsel learned on both sides, his lordship did order that the plaintiff's bill should be amended by stating the act of Congress passed in the year 1836; and the said bill being amended in court accordingly, upon hearing the same act of Congress, and also the power of attorney granted to Richard Rush, esq., mentioned in the said bill as amended, read, his lordship did order that it should be referred to the master to whom the cause of Hungerford v. Drummond stood transferred, to carry on the account directed by the decree of the 15th day of December, 1829; and it was ordered that the said master should inquire whether John Fitall, in the pleadings of this cause named, was living or dead; and if the said master should find that the said John Fitall was dead, then it was ordered that he should inquire and state when he died. And it was ordered that the said master should inquire whether Henry James Hungerford, in the pleadings also named, was living or dead; and if the said master should find that the said Henry James Hungerford was dead, then it was ordered that he should inquire

and state when he died, and whether he was married or unmarried at the time of his decease; and if married, whether he left any, and what, children or child him surviving; and the said master was to inquire and state the ages of such children, respectively, if more than one. And it was ordered that the said master should inquire and state to the court whether Madame de la Batut had any claim on the said testator Smithson's estate; and for the better discovery of the matters aforesaid the usual directions were given, and his lordship did reserve the consideration of all further directions and of the costs of this suit until after the said master should have made his report. That in pursuance of the said decree the said master made his report, dated the 23d day of March, 1838, which stands absolutely confirmed by an order dated the 27th day of March, 1838, and thereby certified he found that the sum of fifty-three pounds seven shillings sixpence was justly due and owing to Messrs. Thomas Clark & Co., the solicitors for the defendant Charles Drummond, from the estate of the said testator, and he found that the said John Fitall was dead, and that he died at Bush House, Wanstead, in the county of Essex, on the 14th day of June, 1834; and he found that the said Henry James Hungerford assumed the name of De la Batut, and was known as Baron Eunice de la Batut and died at the Royal Hotel, called the Donzelle, situate at Pisa, on or about the 5th day of June, 1835, without ever having been married, and without leaving any issue. And the said master certified that he was of opinion and did find that the said Mary Ann de la Batut, in her right, was entitled to a claim on the estate of the said testator, James Smithson, for an interest during the life of the said Mary Ann de la Batut, in a moiety of the annual income or sum of seven thousand six hundred and seventy-three livres de rentes, in the report mentioned, amounting in value to the annual sum of one hundred and fifty pounds nine shillings sterling money of Great Britain and Ireland, calculated at the current rate of exchange in the city of London, on the 8th day of March, 1838; and he found that the income arising from the said French stock or fund called livres de rentes was payable and paid half-yearly by the French Government on or about the 22d day of March and the 22d day of September in each year; and he also found that there was due and owing to the said Mary Ann de la Batut (or the said Theodore de la Batut, in her right) from the estate of the said testator, James Smithson, the sum of thirteen thousand four hundred and twenty-seven francs and seventy-five centimes for arrears of the said annuity from the 22d day of September, 1834, to the 22d day of March, 1838, amounting in value to five hundred and twenty-six pounds eleven shillings and sixpence sterling money of Great Britain and Ireland, calculated at the current rate of exchange in the said city of London as aforesaid; and he found that the annual income or annuity to which the said Mary Ann de la Batut (or the said Theodore de la Batut, in her right) was entitled for her life out of the estate of the said testator, James Smithson, amounting to one hundred and fifty pounds and nine shillings sterling money of Great Britain and Ireland as aforesaid. And whereas the above-named plaintiff and Richard Rush did, on the 3d day of May, 1838, prefer their petition unto the right honorable the master of the rolls, setting forth as therein set forth and praying that the residue of the several stocks, funds and securities, and cash, respectively, standing in the name of the accountant-general of this court in trust in the cause of Hungerford v. Drummond and in trust in this cause which should remain after providing for and satisfying the annual and other payments directed by the will of the said testator and the costs and charges to which the estate of the said testator had been rendered liable by virtue of the several proceedings and measures aforesaid, or any of them, might be respectively transferred (the amount thereof to be verified by affidavit) in the books of the governor and company of the Bank of England and paid to the petitioner, Richard Rush, and that the boxes and packages mentioned in the said master's report might be delivered into the custody of the petitioner, Richard Rush. Whereupon all parties concerned were ordered to attend his lordship on the matter of the said petition when this cause should come

on to be heard for further directions; and this cause coming on this present day to be heard before the right honorable the master of the rolls for further directions on the said master's said report, and as to the measure of costs reserved in the said decree, in the presence of counsel learned on both sides: upon opening and debate of the measure, and hearing the said decree, the said report, the said order dated the 27th day of March, the said petition, and the accountant general's certificates read, and what was alleged by the counsel on all sides, his lordship doth declare that the plaintiff is entitled to the residue of the several stocks, and securities, and cash, respectively, standing in the name of the accountant general of this court, in trust in this cause, and also in trust in a certain other cause of Hungerford against Drummond, in the master's report mentioned, and the other property of James Smithson, the testator, in the pleadings in this cause named, after providing for the payment hereinafter directed; and it is ordered that the sixty-two thousand seven hundred and thirty-nine pounds nineteen shillings and two pence bank three pounds per cent annuities, twelve thousand pounds reduced annuities, and sixteen thousand one hundred pounds bank stock, respectively, standing in the name of the said accountant general, in trust in the cause of Hungerford v. Drummond, and the sum of one thousand seven hundred and sixty-five pounds two shillings cash in the bank, remaining on the credit of the said cause, be respectively carried over in trust in and to the credit of this cause; and the said accountant general is to declare the trust of the said several sums of stock, accordingly, subject to the further order of this court; and out of the said sum of one thousand seven hundred and seventy-five pounds two shillings cash, when so carried over, and the sum of two hundred and four pounds six shillings and eight pence cash in the bank, on the credit of this cause, it is ordered that the sum of fifty-three pounds seven shillings and six pence be paid to Mr. Thomas George Fynmore; and thereout, also, it is ordered that the sum of five hundred and twenty-six pounds eleven shillings and six pence be carried over, with the privity of the said accountant general, and placed to the credit of this cause, to an account to be entitled "The account of the annuitant Mary Ann de la Batut;" and thereout, also, it is ordered that the sum of twenty-five pounds be paid to Mrs. Elizabeth Fitall (as executrix of John Fitall, deceased); and it is ordered that it be referred to the master to whom this cause stands referred, to tax all parties their costs of this suit, and relating thereto, properly incurred; the costs of the plaintiff, and of the defendant Charles Drummond, to be taxed as between solicitor and client; and it is ordered that the amount of such costs, when taxed, be paid out of one thousand three hundred and sixty-four pounds nine shillings and eight pence cash, which will then be remaining on the credit of this cause, after the several before-mentioned payments, in manner following, that is to say: The costs of the said plaintiff to Mr. Thomas Clark, his solicitor; and the costs of the defendant Charles Drummond to Mr. Thomas George Fynmore, his solicitor; and the costs of Her Majesty's attorney-general, to Mr. George Maule, her solicitor. It is ordered that five thousand and fifteen pounds bank three pounds per cent annuities, part of the six thousand eight hundred and ten pounds nineteen shillings and seven pence, like annuities, standing in the name of said accountant general, in trust in this cause, and any interest which may accrue on the said sum of five thousand and fifteen pounds bank three pounds per cent annuities, previous to the carrying over hereby directed, be, in like manner, carried over in trust, in this cause, to the separate account of Mary Ann de la Batut, entitled "The account of the annuitant Mary Ann de la Batut," and the said accountant general is to declare the trust thereof accordingly, subject to the further order of this court. And it is ordered that the interest and dividends thereof, which shall accrue during the life of the said Mary Ann de la Batut, be paid to her during her life, or until the further order of this court, for her separate use, and on her sole receipt, by equal half-yearly payments. on the 22d day of September and the 22d day of March in every year; the

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first payment thereof to be made on the 22d day of September next. And it is ordered that the said sixty-two thousand seven hundred and thirty-nine pounds nineteen shillings and two pence bank three pounds per cent annuities, twelve thousand pounds reduced annuities, and sixteen thousand one hundred pounds bank stock, when so respectively carried over, and one thousand seven hundred and ninety-five pounds nineteen shillings and seven pence three pounds per cent annuities, residue of the said six thousand eight hundred and ten pounds nineteen shillings and seven pence, like annuities, after such carrying over of part thereof as aforesaid, and the residue of the said sum of one thousand three hundred and sixty-four pounds nine shillings and eight pence cash, after the payments thereout hereinbefore directed (the amount of such residue to be verified by affidavit), be transferred and paid to Mr. Richard Rush, in the plaintiff's bill named. And it is ordered that the boxes and packages in the master's report of the twenty-eighth day of June, one thousand eight hundred and thirty-one, in the said cause of *Hungerford v. Drummond* mentioned, be delivered into the custody of the said Richard Rush, as attorney or otherwise for the plaintiff; and, for the purposes aforesaid, the said accountant general is to draw on the bank, according to the form prescribed by the act of Parliament, and the general rules and orders of this court in that case made and provided; and any of the parties are to be at liberty to apply to this court as they may be advised.

Entered:

H. H.  
E. R.

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*Richard Rush to Clarke, Fynmore & Fladgate.*

MAY 31, 1838.

GENTLEMEN: I need scarcely again make known to you what I have so frequently urged in person since the decision on the 9th instant, viz: my anxiety to have the necessary document from the proper office of the court, by which the Smithsonian fund adjudged to the United States may be placed at my disposal. But, whatever the past obstacles which you may not have been able to prevent, I must ask the favor of your renewed and best exertions for causing me to be put in possession of it at the earliest possible day; the more so, as we are now at the end of the month, and my being invested with the requisite authority is an indispensable preliminary to arrangements for selling the stock advantageously in June, prior to my embarkation with the fund for the United States. Your past attention to the case is a pledge to me that you will do all in your power to fulfill my wishes; in which assurance I remain,

Your obedient servant,  
CLARKE, FYNMORE & FLADGATE.

RICHARD RUSH.

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*Richard Rush to John Forsyth.*

LONDON, June 5, 1838.

SIR: With all my exertions to have the forms necessary for putting me in possession of the Smithsonian fund completed in May, it will

be seen, from the inclosed copy of a letter to me from the solicitors, in reply to one I wrote them on the last of May (a copy of which is also inclosed), that it is only to-day that all the forms have been finally and fully completed.

After getting this information, I went immediately to the proper department of the accountant-general of the court of chancery at the Bank of England, and find that there has been transferred to me the following stock, viz:

1. Sixty-four thousand five hundred and thirty-five pounds eighteen shillings and nine pence in the consolidated 3 per cent annuities, commonly called consols by abbreviation.

2. Twelve thousand pounds in reduced 3 per cent annuities.

3. Sixteen thousand one hundred pounds in bank stock.

The books at the bank show the above stock to have been regularly transferred to me under the authority of the court of chancery by the accountant-general, as the proper officer of the court, in virtue of the decree reported in my last, and I have accepted the same on the books, on behalf of the United States, by signing my name to a form of acceptance drawn out under each transfer.

The above stock constitutes, with the exception of £5,015, the whole property left by Mr. Smithson to the United States, and now recovered for them, with the further exception of some small sum in cash, to which the solicitors refer as still to come from the accountant-general, but of which I have as yet no statement.

The sum of £5,015 in consols, it has been decreed by the court, is to be reserved and set apart to answer the annuity payable to Madame la Batut, the principal to revert to the United States on the death of the annuitant.

I have taken care to instruct the solicitors to see that there is due proof at all times of the annuitant being in full life as the half-yearly payments are made to her.

Although the aggregate of the stock transferred as above is under £100,000 in its nominal amount, there is no doubt whatever but that the sale of it will yield more than that sum.

The transfer by the accountant-general was made to me only to-day, and this is so far fortunate as that it could not otherwise have been effected as to the principal part of the stock (viz, the 3 per cent annuities) until the 17th of July, the books closing after to-day for the transfer of this species of stock until the date I mention.

The important operation of selling the stock now remains to be conducted, and shall claim my careful attention. I design to go into the city to-morrow with a view to adopting the earliest measures for this purpose, taking advice, in aid of my own judgment, for so managing the sales as best to promote the interests of the United States.

I continue to think that the best mode of bringing home the money will be in gold—in English sovereigns. Exchange is low, and so will insurance be at this season; and on all accounts it seems to me the preferable mode in which to realize the fund and deliver it over to the Treasurer of the United States on my arrival, in final discharge of the trust confided to me.

I shall hope to make some report of my steps by the next packet; and in the meantime have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

Hon. JOHN FORSYTH,  
*Secretary of State.*

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*Clarke, Fynmore & Fladgate to Richard Rush.*

43 CRAVEN STREET, STRAND, *June 5, 1838.*

DEAR SIR: We beg to assure you, in answer to your favor of the 31st of May, that our endeavors to get through the forms necessary for winding up the suit and putting you into possession of the Smithsonian fund have not been less urgent and unremitting than have been your applications to ourselves upon the subject. The circumstance of the shutting of the offices of the court of chancery for the holidays, at a period when they are ordinarily open, and some other petty difficulties not within our control, have, however, prevented our getting through all the forms in the month of May, as we hoped to have been able to do.

We have now, however, the satisfaction to announce to you that everything is complete, and that the accountant-general of the court of chancery has transferred into your name the several sums following: £64,535 18s. 9d., consols; £12,000 reduced annuities; £16,100 bank stock.

These sums are entirely at your disposal, free from the control of the court of chancery.

There will be, in addition, a small cash balance, which in the course of a few days you will be able to receive of the accountant-general.

We are, very faithfully, your obedient servants,

CLARKE, FYNMORE & FLADGATE.

RICHARD RUSH, Esq.

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*Richard Rush to John Forsyth.*

LONDON, *June 13, 1838.*

SIR: I am glad to be able to report to you that the sales of the stock are going on well.

The whole of the consols have been sold, and part of the bank stock.

A portion of the consols, viz, £4,535 18s. 9d., was sold on the 6th instant for cash at 94 $\frac{1}{4}$ . This was considered a high price; more could not have been obtained for cash.

My first desire was to sell all the stock for cash, and immediately, that I might the sooner close the whole operation and get away, but such a course I soon found, on the best information and advice, would have been injudicious.

To have attempted a sale of the bank stock, for example, all at once would probably have depressed the market for this particular species of security and occasioned a loss of several hundred pounds. The reason is that the dealings in it, contradistinguished from those in the great national stocks, are limited, and confined to a very few persons on the stock exchange. The course which prudence dictated was to sell it out in small parcels under careful instructions to the broker on each day of the sale.

As it thus became necessary, in order to guard against loss, that I should allow myself some little latitude as to time in selling the bank stock, it opened a door the more properly for disposing of the other stock on time at a short interval, the more especially if by that mode it could be made to produce a larger sum.

Accordingly, on the same day that I disposed of a portion of the consols for cash, which served also as a feeler to ascertain the cash price, I caused the whole of what remained of this stock, viz, £60,000, to be sold on time for the 6th of July, that being the day after dividend day, which falls on the 5th of July.

It gives me great satisfaction to state that this sale was effected at 95 $\frac{1}{4}$ .

Up to the day when it was effected, consols had not brought so high a price, as far as I have yet been able to examine the London Mercantile Price Current, for nearly eight years before.

Two sales have been made of the bank stock, viz, one of £3,000, the other of £5,000; the former at 204 $\frac{1}{4}$ , the latter at 204 $\frac{3}{4}$ ; both sales being for the 30th instant, the money payable and stock to be delivered on that day. Should the remainder be sold at these rates, or near them, it will be seen that the bank stock, though in nominal amount only £16,100, as stated in my last, will yield upward of £30,000.

In the important operations of selling the stock I am receiving the most beneficial aid from the constant advice and active daily cooperation in all ways of our consul, Colonel Aspinwall, whose long residence in London and ample opportunities of knowing the mysteries of its great stock market, and the minute details of doing business in it, have given him the ability to aid me. It is thus that I am selling to every advantage.

None of the 3 per cent reduced annuities have yet been sold. We

are watching the market with a view to the most favorable moment for disposing of this part of the stock.

The fortunate point of time was hit for selling out the consols. They have now sunk a little and, with the exception of momentary intervals, would not have brought as much since the 6th instant as I obtained.

From the sales made it is now, I think, certain that the whole stock will yield from £103,000 to £105,000, apart from the £5,015 to be retained here during the life of Madame la Batut.

From the successful manner in which they are proceeding, it seems clear also at the present time that the fund, independent of the accumulations of interest, will be richer in the state in which I shall deliver it over to the United States than it was in the summer of 1835, when their right to it first attached by the death of Henry James Hungerford.

Left to myself to make the most of the fund after recovering it from chancery, which depended so much on the sale of the stock, it has not been without full consideration that I did not call on the Messrs. Rothschild to sell it all, for which their experience and situation here, besides being the bankers of the United States, might have seemed to point them out. But, first, they would, I take for granted, have charged a commission of 1 per cent, to which I could not have objected, as it is allowed here, apart from the broker's commission, and by the chamber of commerce at New York on effecting sales of stock; whilst Colonel Aspinwall charges me no such commission, and I much desired to save the amount of it to the fund, if, with his efficient aid, I could conduct the sales confidently and advantageously myself. But, secondly, if the former, as the bankers of the United States, would have performed the task without charge, I should not have been the less disinclined to place it in their hands, having had no instructions to do so, and, being without these, I could only exercise my best discretion. They are, as I in common with others here suppose, very large dealers in stock on their own account, as occasion may serve; and hence may naturally be supposed to desire sometimes a rise, sometimes a fall, in these everfluctuating things. With more than a hundred thousand pounds to throw upon the market, I therefore thought it best, acting on a general rule of prudence in all business, to keep the operation of selling entirely clear of every quarter where any insensible bias might, by possibility even, exist to a course other than that which would regard alone the Smithsonian fund.

I design to leave no sale outstanding after the 6th of July. The subsequent steps, however, for obtaining the gold, and those necessary in various ways for shipping it, will render it impracticable for me to embark with it in the packet which sails from Portsmouth on the 10th of July, that packet leaving London always on the 7th. But

I will follow in the succeeding one of the 20th of July, which leaves this port on the 17th, before which time I trust that everything will have been fully and satisfactorily closed, as far as the trust can be closed here.

I have the honor to remain, with great respect, your obedient servant,  
RICHARD RUSH.

Hon. JOHN FORSYTH,  
*Secretary of State.*

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*Richard Rush to John Forsyth.*

LONDON, *June 26, 1838.*

SIR: Since my No. 27, the sales of the stock have been going on from time to time, and at length are finally closed.

They have all been good—perhaps I may say fortunate. The prices have been high, as compared with the state of the stock market for several years past; and I am confidently informed that, from the time the stock came under my control until I sold it all, no higher prices were obtained by any private seller than I obtained.

The whole of the reduced 3 per cent annuities (£12,000) sold at 94. This description of stock is never as high as consols, but 94 is reputed nearly, if not quite, as good a price, in proportion to its general value in the English stock market, as the 95½ I obtained for the consols.

Of the bank stock unsold at the date of my last (viz, £8,100), I obtained 205 for £5,000, and 205½ for the remaining £3,100. Both these prices, it will be perceived, are higher than the former ones I obtained for this stock.

The entire amount of sales has more than realized the anticipations held out in my No. 27, having yielded an aggregate of rather more than £105,000, as will be seen when I come to render a more particular statement. The two days on which I am to make all the transfers are the 30th of this month and 6th of July. The money will all be received simultaneously.

Immediately afterwards I shall take measures for converting the whole into English gold coin, having finally determined that this is the proper mode in which to bring the money to the United States, under the trust I have in hand. It appears to me the right course in itself, independent of any question of exchange, considering the peculiar object and terms of the law of Congress of the 1st of July, 1836, under which I am acting. But by the rate of exchange, as quoted at New York under the last dates, there would be a gain to the United States, by the best calculations I can now make (though I am aware how exchange is ever liable to fluctuate), of upward of £1,000 on

bringing over the money in gold rather than remitting it in bills. This would help to cover the commissions on shipping the former, effecting insurance upon it, and paying the premium of insurance, as well as charges for freight and those that have been incurred on selling the stock.

All these operations demand mercantile agencies and assistance, to which I am inadequate in my own person, beyond superintending them and seeing that they are rendered justly. I will take care that these expenses are kept within limits as moderate as possible, consistently with having the business regularly done according to mercantile usage in operations of the same nature, so that the fund, in bearing its own unavoidable expenses, may be encroached upon as little as possible.

I have not yet been able to get from the solicitors a statement of the costs of the suit, but will not fail to obtain it before I embark. The final payments under this head, and those I shall be called upon to make for services enumerated above, can scarcely be completed but at the last moments of my stay; hence I may not be able to transmit an account of them to you until I arrive at New York, where also the freight will have to be paid.

In reporting to you the final decision of the court, I omitted to mention some particulars not at first accurately known to me, but necessary to be now stated, viz: £526 11s. 6d. were decreed to be paid out of the fund to Madame la Batut, as her arrears; £25 as arrears found to be due to John Fitall, the annuitant under the will; and, lastly, £53 7s. 6d. as due for the use of certain warehouse rooms in London. The two first items explain themselves, after all I have written. The third has reference to some personal property left by the testator, contained, as I understand, in thirteen boxes or trunks deposited in the warehouse rooms specified. I have had no opportunity as yet of examining the contents of these boxes, but am informed that they consist chiefly of books unbound, manuscripts, specimens of minerals, some philosophical or chemical instruments, and a few articles of table furniture. The contents of the whole are supposed to be of little intrinsic value, though parts may be otherwise curious. As all now belong to the United States, under the decree of the court, I shall think it proper to have them shipped when the gold is shipped, paying all reasonable charges.

Having more than once spoken of the possibility of fictitious claimants starting up for the Smithsonian bequest, perhaps I may here be allowed to mention what the solicitors have informed me of, viz, that since the decision two claimants have presented themselves at their office, neither having any connection with the other. When the decision was pronounced, the sum recovered was also proclaimed in the London newspapers, which had probably awakened these claimants

into life. The solicitors add that one of them desired, somewhat importunately, to know if the case could not be reheard in court. It is needless to remark that he was told he was a little too late in his application.

I will use this opportunity—the last I may perhaps have of writing to you before I embark, from the engagements likely to press upon me in getting the fund ready for shipment and clearing off all necessary expenses—to say a word of our professional advisers. Of the counsel I selected it is unnecessary for me to speak, their established reputation in the highest department of their profession putting them above any testimonial from me. But of the solicitors, as they move in one of its less conspicuous fields, I will barely take the liberty of saying that more attention, diligence, discretion, and integrity could not, I believe, have been exerted by any persons than they have shown throughout the whole suit from first to last. Could they ever have forgotten what was due to the United States and to themselves in the desire to eke out a job, nothing is plainer to me, from what has been passing under my observation of the entanglements and delays natural to a heavy suit in the English court of chancery, than they might have found opportunities in abundance of making this suit last for years yet to come.

I have the honor to remain, with great respect, your obedient servant,  
 RICHARD RUSH.

Hon. JOHN FORSYTH,  
*Secretary of State.*

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*Clarke, Fynmore & Fladgate to Richard Rush.*

CRAVEN STREET, *July 5, 1838.*

DEAR SIR: At the time of the decease of the late Henry James Hungerford, esq., which happened on the 5th of June, 1835, there was standing in the name of the accountant-general of the court of chancery to the credit of the cause Hungerford *v.* Drummond the several sums following, viz: £62,739 19s. 2d. bank £3 per cent annuities, £12,000 £3 per cent reduced annuities, £16,100 bank stock.

And if these several funds had then been sold they would have realized the sum of £102,991, or thereabouts, but owing to the proceedings which were necessary to be instituted in the court of chancery, the funds were not transferred into your name until the 5th of June, 1838. We are happy to inform you that, notwithstanding this delay, no loss has been occasioned to the United States, as, according to the market prices of the funds on the last-mentioned day, the funds were then

worth £103,888, being an excess of £897 beyond the value on the 5th of June, 1835, the date of Mr Hungerford's death.

The whole of the costs of the chancery suit amounted to £723 7s. 11d., so that the increase in the value of the funds was sufficient to pay the whole of these costs and leave a surplus of £173 12s. 1d.

In making out the above statement, the dividends upon the funds have not been taken into account, but the United States receive them in addition to the original fund.

The United States do not, however, receive the whole amount of such dividends now, as a portion of them was invested in stock, of which £5,015 has been appropriated to answer an annuity of £150 9s. to Madame de la Batut, upon whose decease the same will become the property of the United States.

The sums in court, at the last hearing of the cause, were as follows, viz:

£	s.	d.	
62,739	19	2	bank 3 per cent annuities.
6,810	19	7	like annuities.
12,000	0	0	reduced annuities.
16,100	0	0	bank stock.
1,765	2	0	cash.
204	6	8	cash.

These sums have been appropriated as follows, viz:

£	s.	d.		
62,739	19	2	bank 3 per cent annuities.	} Transferred into the name of Richard Rush, esq.
1,795	19	7	part of £6,810 19s. 7d. like annuities.	
64,535	18	9	bank 3 per cent annuities.	
12,000	0	0	reduced annuities.	
16,100	0	0	bank stock.	
5,015	0	0	reduced bank annuities, residue of £6,810 19s. 7d. retained in court to answer annuity to Madame de la Batut.	
406	3	0	paid to plaintiff's solicitors for their costs.	
162	15	5	paid to defendants' solicitors for costs.	
53	7	6	paid to plaintiff's solicitors for warehouse room, paid by them to Messrs. Deacon.	
526	11	6	paid to Madame de la Batut for arrears of her annuity.	
25	0	0	paid to Mrs. Fitall for arrears of annuity.	
70	7	8	paid to solicitor for defendant, the attorney-general, for costs.	
725	3	7	balance of cash paid to R. Rush, esq.	

Herewith we send you a complete copy of our bill of costs, amounting altogether to £490 4s.10d.; and we have received the following sums on account of costs, viz:

April 10, 1837, of Richard Rush, esq .....	£	s.
June 11, 1838, of accountant-general, for plaintiff's taxed costs .....	200	4
	406	3
Total .....	606	7

The latter sum exceeding our bill of costs by £116 2s. 2d., leaves us in debt to the United States to that amount, for which we beg leave to inclose our check.

We may here remind you of the information on the subject of costs which we had before given you verbally, viz, that the court allows against the fund certain ordinary costs; and such costs have been received by us from the accountant-general, as before stated. In consequence, however, of the line of conduct adopted by us, under your own directions, to insure a speedy and successful termination of the suit, some small extra costs have been incurred beyond what are considered ordinary costs.

We have, as you requested, had a lock placed upon the trunk<sup>1</sup> in our possession, having previously deposited therein the several articles of plate and other matters, which we mentioned to you as being in our possession, and of which articles we inclose you a list.

We are, dear sir, your faithful and obedient servants,

CLARKE, FYNMORE & FLADGATE.

P. S. We also return to you the memoranda which you left with us as to the stock.

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*Clarke, Fynmore & Fladgate to Richard Rush.*

CRAVEN STREET, *July 11, 1838.*

DEAR SIR: We have made the affidavit which you required to verify the bill of costs, and which we now return to you.

We also send you the original order on further directions, under which the several transfers of the funds have been made into your name. This order has the initials of the registrar, as also of the entering clerk, placed at the foot of it; this being the mode adopted in the court of chancery to show the authenticity of their orders.

We also send you a transcript from the books of the accountant-general, certified by Mr. Lewis to be a true copy, Mr. Lewis being the clerk whose duty it is to make such transcript. The sum of £70 7s. 8d., appearing still to remain on the general credit of the cause, is reserved for the costs of the attorney-general, and will be paid over to his solicitor upon his applying for the amount; and the cash standing to the account of Mrs. de la Batut is for the arrears of her annuity, and will be paid to her.

We have seen Mr. Deacon upon the subject of his charge for warehouse room beyond the 24th ultimo, and have paid him for the same £2; and we have also paid 4s. 6d. for swearing to our bill of costs, which is the whole of our demand against you.

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<sup>1</sup>One of the 14 mentioned in my dispatch No.

Mr. Deacon informed us when we saw him that he had in his possession a painting belonging to the estate, and which he promised should be sent over to your house, and which we presume he has done; but should he not have done so, perhaps you will be good enough to apply to him for it.

We will thank you to send us an acknowledgment for the different boxes we have handed you.

We are, dear sir, your very faithful servants,

CLARKE, FYNMORE & FLADGATE.

RICHARD RUSH, Esq.

Transcript of the account in the cause, *The President of the United States of America v. Drummond.*

[From the books of the accountant-general.]

DR.		THE PRESIDENT OF THE UNITED STATES OF AMERICA v. DRUMMOND.				CR.	
		£	s.	d.	£	s.	d.
1838. June 2	To the above cause the account of the annuitant, Mary Ann de la Batut, for the bank £3 per cent annuities: Carried over to that account .....						
5	To bank £3 per cent annuities transferred to Richard Rush by order of court dated 12th May, 1838, £62,739 19s. 2d. and £1,795 19s. 7d.....	5,015	0	0			6,810 19 7
	To reduced annuities transferred to Richard Rush.....				102	3	4
	To bank stock transferred to Richard Rush.....	64,535	18	9			
7	To the President of the United States of America v. Drummond, the account of the annuitant, Mary Ann de la Batut, for the cash carried over to that account.....	12,000	0	0			62,739 19 2
	To cash paid Thos. George Fynmore.....	16,100	0	0			12,000 0 0
12	To cash paid Thomas Clarke .....						16,100 0 0
	To cash paid Richard Rush .....						
	To cash paid Thomas George Fynmore, solicitors' costs.....	526	11	6			
27	To cash paid Mrs. Elizabeth Fital.....	53	7	6			
		406	3	0			
		725	3	7			
		162	15	5			
		25	0	0			
					1,765	2	0

*The account of the annuitant Mary Ann de la Batut.*

Dr.

THE PRESIDENT OF THE UNITED STATES OF AMERICA v. DRUMMOND.

Cr.

	1838.		£.	s.	d.	
	June 2	By the President of the United States of America v. Drummond, for the bank £3 per cent annuities brought over.....				£5,015
	June 7	By the said cash for cause, brought over...	526	11	6	
	July 11	By cash received, 6 months' interest on £5,015, bank £3 per cent annuities .....	75	4	6	

I do hereby certify this to be a true copy of the books of the accountant-general of the high court of chancery.

CHANCERY LANE, July, 1838.

BENJ. LEWIS,  
*Clerk of the above Accountant-General.*

## IN CHANCERY.

Between the President of the United States of America, plaintiff, and Charles Drummond and Her Majesty's attorney-general, defendants.

*The bill of costs of the above-named plaintiff in this suit and incidental thereto.*

	£	s.	d.
<i>Sept. 16, 1836.</i> —Mr. Fladgate's attendance on Mr. Rush, on the part of the United States, at the Portland Hotel, by appointment, when Mr. Rush requested that two of the firm should at least attend .....		6	8
Writing to Mr. Rush, fixing appointment for conference with him on Tuesday at 11 o'clock .....		5	0
<i>Sept. 20.</i> —Mr. Clarke and Mr. Fladgate's attendance on Mr. Rush, fully explaining to him the course which it appeared to us should be taken on the part of the executors to bring the claim of the United States under consideration, and also the necessity of making Madame de la Batut and the attorney-general parties; and reading to him the case laid before Mr. Stuart, and his opinion, of which he wished to have a copy.....	1	6	8
Copy case and opinion for him.....	1	0	0
Attending him therewith .....		6	8
<i>Oct. 3.</i> —Writing to Mr. Rush, in reply to letter from him.....		5	0
<i>Oct. 7.</i> —Writing to Mr. Rush, to fix appointment for conference on Thursday next .....		5	0
<i>Oct. 10.</i> —Mr. Clarke and Mr. Fladgate's attendance on Mr. Rush, by appointment, to peruse case drawn out by him for counsel to advise the American Government as to course to be pursued to obtain payment of the fund in court, and advising as to the counsel to be retained, and received directions to submit case to Mr. Pemberton and Mr. Jacob.....	1	6	8
Paid coach hire .....		1	6
<i>Oct. 11.</i> —Looking through the papers in our possession, to compare them with statement in Mr. Rush's case, and altering the latter in one or two particulars, engaged two hours .....	1	1	0
Two copies of case for counsel, four sheets each .....	1	6	8
Two copies of act of American Congress, to accompany same, three sheets each.....	1	0	0
One copy of order on further directions in the cause of Hungerford v. Drummond, also to accompany case, to show the precise position of the funds in court.....	1	1	0
Attending at Doctor's Commons to bespeak an office-copy will of Mr. Smithsonian for Mr. Rush, at his request .....		6	8
Attending afterwards to examine and procure same.....		6	8
Paid for same .....		6	4
<i>Oct. 13.</i> —Writing to Madame de la Batut, as to her demands, and requesting her to appoint a solicitor here to act in the suit about to be instituted by the United States.....		5	0
Attending Mr. Rush with the fair copies of cases for his perusal and signatures, and we also returned him his authority, and handed him office-copy will .....		13	4
Attending Mr. Pemberton with case .....		6	8
Fee to him therewith, and clerk.....	11	0	6
Fee to him for conference with Mr. Jacob, and clerk.....	2	9	6
Attending to get same appointed .....		6	8
Fee to Mr. Jacob with case, and clerk .....	8	15	0
Attending him therewith and thereon .....		6	8

	£	s.	d.
Fee to him for conference, and clerk .....	2	4	6
Attending to inform him of time appointed .....		6	8
Nov. 2.—Attending consultation, Mr. Rush being present, when the course to be pursued on behalf of the United States was very fully considered, and it was determined that a supplemental bill should be filed in the name of the President of the United States of America, and the attorney-general made a defendant, and counsel promised to write their opinion..	2	2	0
Nov. 5.—Copy of opinion for Mr. Rush .....		5	0
Writing to him, with same .....		5	0
Nov. 14.—Mr. Clarke and Mr. Fladgate's attendance upon Mr. Rush, as to the bill proposed to be filed, and his suggestions as to the possibility of an abatement from the want of a plaintiff, and explaining the course of practice to him.....	1	6	8

## MICHAELMAS TERM, 1836.

Instructions for bill.....	13	4	
Drawing same, folios 30 .....	1	10	0
Paid fee to Mr. Shadwell to settle and sign, and clerk.....	2	4	6
Attending him .....		6	8
Attending Mr. Shadwell, advising hereon and as to Madame de la Batut's claim, and explaining the same fully to him, and conferring on several points arising, and particularly on the nature of the property left by Mr. Smithson .....		6	8
Fair copy bill for Mr. Pemberton to peruse and finally settle, folios 30 .....	10	0	
Fee to him and clerk .....	2	4	6
Attending him .....		6	8
Attending Mr. Pemberton, appointing a conference hereon at Westminster.		6	8
Paid fee to Mr. Pemberton and clerk thereon.....	2	9	6
The like to Mr. Shadwell and clerk.....	1	3	6
Attending him.....		6	8
Writing to Mr. Rush informing him thereon .....		5	0
Attending consultation (Mr. Rush being present) at Westminster, when it was determined not to make Madame de la Batut a party to suit.....	1	6	8
Paid for room.....		5	0
Attending Mr. Shadwell afterwards to procure draft bill as settled .....		6	8
Engrossing bill.....		15	0
Paid for parchment.....		10	0
Paid filing bill .....		7	4
Attending, bespeaking, and afterwards for office-copy bill to serve on the attorney-general.....		6	8
Paid for same .....	1	5	0
Attending the attorney-general therewith.....		6	8
Drawing præcipe for subpoena against defendant, Charles Drummond, and attending to bespeak, and for same.....		6	8
Paid for subpoena and making copy to serve.....		5	10
Fee on obtaining and undertaking to appear for defendant, Drummond...		6	8
Nov. 20.—Attending Mr. Wray to press for answer of attorney-general and explaining to him the reason of our urging the same, when he promised to prepare answer immediately, Mr. Rush's invariable direction to us being to use all practicable speed touching every point of the proceedings.		6	8
The defendant, Charles Drummond, wishing his answer to be taken without oath or signature, the solicitor's fee thereon.....		6	8
Drawing and engrossing petition for same.....		4	0

	£	s.	d.
Attending the defendant's clerk in court and obtaining his consent thereto.	6	8	
Attending to present the same.....	6	8	
Paid answering, and for order and entering.....	7	0	
Copy and service of order.....	2	0	
Writing to Mr. Rush to inform him when it was likely the cause would be heard .....	5	0	
Paid for office-copy answer of defendant, Charles Drummond, folios 16....	13	4	
Close copy.....	5	4	
Attending Messrs. Derby and Raven to inform them answer of defendant, Drummond, was filed, and to request them to lose no time in putting in answer of attorney-general.....	6	8	
<i>January, 1837.</i> —Several attendances upon Messrs. Derby and Raven and Mr. Wray to urge the filing of the attorney-general's answer, which was at length done.....	13	4	
Paid for office-copy answer of attorney-general, folios 4.....	3	4	
Close copy.....	1	4	
Term fee clerk in court and solicitor.....	16	8	
Letters and messengers .....	5	0	
Abbreviating bill and answer, folios 50 in all .....	16	8	
Making two briefs of pleadings, 5 sheets each.....	1	13	4
Paid for certificate of pleadings.....	3	4	
Attending for same.....	6	8	
Paid for setting down cause and attending.....	1	5	8
Drawing præcipe for subpoena to hear judgment and attending for same...	6	8	
Paid for same and copy.....	5	10	
Service on the clerks in court.....	5	0	

## HILARY TERM, 1837.

Affidavit of service, etc.....	3	4	
Oath .....	1	6	
Paid filing affidavit.....	6	2	
Copy title and prayer of bill for judge .....	2	6	
Attending to bespeak, and afterwards for certificate of funds in court in original suit .....	6	8	
Drawing observations to annex to plaintiff's briefs, 4 brief sheets.....	1	6	8
Two briefs copies thereof .....	1	6	8
Two copies order on further directions in original suit, to accompany briefs, 7 sheets each.....	2	6	8
Attending Mr. Rush on his handing us the act of Congress authorizing him to act, and on his instructing us to let a copy of the same accompany the briefs.....	6	8	
Two brief copies same, 3 sheets each.....	1	0	0
Drawing proposed minutes of orders.....	5	0	
Fee to Mr. Shadwell, to settle same.....	1	3	6
Attending him .....	6	8	
Two fair copies minutes to annex to briefs .....	5	0	
Two fair copies minutes to annex to briefs, for defendants.....	5	0	
Attending them therewith and thereon .....	6	8	
Attending the defendant's solicitors; obtaining their consent to have cause heard short .....	13	4	
Attending Mr. Shadwell, and obtaining his certificate thereof .....	6	8	
Attending registrar therewith, and getting cause marked short, and put in the next short-cause paper.....	6	8	

	£	s	d.
Fee to Mr. Pemberton and clerk, with brief.....	5	10	0
Attending him .....		6	8
The like to Mr. Shadwell and clerk.....	3	5	6
Fee to Mr. Pemberton and clerk, on conference as to the practicability of having cause short.....	1	6	0
Attending him .....		13	4
Attending appointing consultation.....		6	8
Fee to Mr. Pemberton and clerk.....	2	9	6
Attending him .....		6	8
Like to Mr. Shadwell and clerk .....	1	3	6
Attending him .....		6	8
Writing Mr. Rush, informing him thereof .....		5	0
Attending consultation at Westminster, Mr. Clarke and Mr. Fladgate.....	1	6	8
Paid for room and cab-hire .....		7	6
Attending, ascertaining if the several articles mentioned in the master's report in the original cause were safe, and comparing same with the sched- ule .....		13	4
Two brief copies schedules to annex to brief, at Mr. Rush's request.....		10	0
Attending bespeaking transcript of the account in original suit .....		6	8
Paid for same .....	1	4	0
Writing Mr. Rush, informing him when cause would be in the paper.....		5	0
Mr. Clarke and Mr. Fladgate attending court, cause heard and decreed ac- cording to minutes agreed on, with liberty for plaintiff to amend his bill by adding the act of Congress.....	2	2	0
Paid court fees .....		13	0
Attending Mr. Rush afterwards, and explaining proceedings to him.....		13	4
Drawing petition to amend bill.....		4	0
Attending to present same .....		6	8
Paid answering, and for order and entering.....		7	0
Two copies and services of order.....		5	0
Instructions to amend .....		13	4
Drawing amendments, folios 6.....		6	8
Fee to Mr. Shadwell and clerk, to settle and sign .....	1	3	6
Attending him.....		6	8
Engrossing amended bill, folios 36.....		18	0
Paid for parchment.....		10	0
Paid filing .....		7	4
Abbreviating amended bill, folios 36 .....		12	0
Two brief copies of amendments for counsel .....		10	0
Paid for office-copy of amended bill, to serve on the attorney-general, folios 36 .....	1	10	0
Attending Messrs. Derby & Co., therewith and thereon.....		6	8
Fee to Mr. Pemberton and clerk, with amended bill .....	2	4	6
Attending him .....		6	8
The like to Mr. Shadwell and clerk.....	1	3	6
Attending him .....		6	8
Drawing præcipe for subpoena, and attending to bespeak same.....		6	8
Paid for same, and making copy to serve.....		5	10
Service on clerk in court.....		5	0
Attending registrar and getting cause put in the paper.....		6	8
Writing to solicitors for the defendants, informing them thereof.....		10	0
Attending court order made.....	1	6	8
Paid court fees .....		13	0

	£	s.	d.
Instructions for petitions to lay out £6,172 9s., cash accumulated in Hungerford v. Drummond .....		6	8
Drawing same, folios 40.....	2	0	0
Fee to Mr. Shadwell and clerk, to peruse and settle same.....	2	4	6
Attending him .....		6	8
Engrossing petition to present, as settled, folios 30.....		10	0
Copy for the master of the rolls .....		10	0
Attending to present same .....		6	8
Paid answering.....		11	0
Two copies petition to serve .....	1	0	0
Attending serving same.....		4	0
Two brief copies for counsel, 3 brief-sheets each .....	1	0	0
Drawing observations to annex to brief petition, 2 sheets.....		13	4
Two fair copies.....		13	4
Drawing and engrossing affidavit of service of petition .....		4	10
Paid oath.....		1	2
Paid filing and for office copy .....		6	6
Fee to Mr. Shadwell and clerk therewith .....	2	4	6
Attending him .....		6	8
Attending accountant-general for, and obtaining certificate.....		6	8
Attending court petition heard, and ordered as prayed.....		13	4
· Paid court fees .....		13	0
Writing Mr. Rush, at his request, a report of the proceedings in court.....		5	0
Paid for minutes of order .....		2	0
Close copy .....		1	0
Attending settling.....		6	0
Paid for order.....	2	0	0
Attending passing .....		6	8
Paid entering .....		4	0
Drawing request to accountant-general.....		2	6
Attending bespeaking investment .....		6	8
Paid .....		4	0
Paid for copy of minutes of decree.....		3	0
Close copy.....		1	6
Attending settling.....		13	4
Copy of minutes for Mr. Rush and writing him therewith and thereon....		6	6
Paid for decree.....	4	10	0
Attending passing .....		13	4
Paid entering .....		4	0
Attending .....		6	8
Attending at the public office to obtain the name of the master in the original cause.....		6	8
Paid master's clerk.....		1	0
Making copy title and ordering part of decree for the master .....		5	0
Warrant to consider decree, two copies, and services.....		6	0
Writing Mr. Rush, informing him thereof in order to insure his attendance.		5	0
Attending warrant when master ordered the usual advertisement to be issued and a state of facts, etc., to be brought in as to Madame Batut's claim, and stated that he could not direct inquiries to be made at Pisa as to the death of Mr. Hungerford, but would allow the costs thereon if instituted .....		13	4
Attending at Stepney Church to search for burial of John Fitall, but found he was not buried there.....	1	1	0

	£	s.	d.
Paid search and coach hire .....	2	6	
Attending Mrs. Fitall, but she declined giving any information, as the last quarterly payment had not been made.....	6	8	
Attending at various places in the neighborhood to inquire where he was buried, when some persons said in the country, others at Fletcher's Chapel, and others at St. George's in the East, and ultimately discovered a relative, who informed us that he was buried at Shadwell.....	13	4	
Attending at Shadwell Church; clergyman and clerk both out and could not search .....	13	4	
Paid coach hire .....	5	0	
Attending bespeaking advertisement as to Mr. Hungerford's death .....	6	8	
Paid master's clerk.....	1	1	0
Attending bespeaking advertisement as to Madame de la Batut's claim....	6	8	
Paid master's clerk.....	1	1	0
Attending at Shadwell, searching for and obtaining certificate of Mr. Fitall's death.....	1	1	0
Paid for certificate and omnibus hire .....	5	0	
Instructions for affidavit verifying extract.....	6	8	
Drawing same, folios 8 .....	8	0	
Engrossing same .....	2	8	
Attending swearing.....	6	8	
Paid oath and exhibit .....	4	0	
Drawing and fair copy state of facts as to Fitall's death, folios 12.....	8	0	
Warrant on leaving same, copy, and service.....	6	0	
Attending Mr. Cullington, Mrs. Fitall's solicitor, as to identity of John Fitall, when he promised to see his client thereon and let us know the result.....	6	8	
Attending at the Gazette office to get advertisements as to Mr. Hungerford's death inserted .....	6	8	
Paid, and for Gazette .....	1	8	2
Attending at the Gazette office to get advertisement as to Mrs. Batut's claim inserted .....	6	8	
Paid for insertion .....	1	1	0
Copy of advertisement as to Hungerford's death for Times newspaper.....	2	6	
Attending inserting same .....	6	8	
Paid insertion.....	16	5	
The like for Morning Herald.....	9	2	
Paid insertion, etc.....	16	5	
The like for Standard.....	9	2	
Paid insertion, etc.....	16	5	
Copy of advertisement as to Mrs. Batut's claim, for the Times newspaper .	2	6	
Attending inserting same .....	6	8	
Paid insertion.....	16	0	
The like for Morning Herald.....	9	2	
Paid insertion, etc.....	16	0	
The like for Standard.....	9	2	
Paid for insertion, etc .....	16	0	
Several attendances in the city as to the best mode of inserting the advertisement in foreign papers, and as to getting same translated, etc.....	1	1	0
Making copies of advertisements to get translated into French and Italian.	5	0	
Attending translation therewith, and afterwards for same .....	13	4	
Paid them .....	2	6	6
Making twelve copies for insertion in foreign papers .....	1	10	0

	£	s.	d.
Attending Mr. Deacon, the newspaper agent, therewith and instructing him thereon .....		13	4
Paid for foreign advertisements.....	12	2	11
Attending paying same, and for receipt .....		6	8
The proprietors of the Times newspaper having made an error in the name of Mr. Hungerford, attending at their office and rectifying same and giving instruction for another insertion .....		6	8
Attending Mr. Deacon to ascertain if he had correspondent at Leghorn to whom we could forward instructions to obtain the information of Mr. Hungerford's death, and obtaining the direction of same .....		6	8
Writing very long and special letter to Madame Batut as to her claim on the estate and requiring the necessary proof, and requesting information as to her son's death, etc.....		7	6
Copy same to keep as evidence .....		5	0
Writing Mr. Rush, with Mrs. Batut's answer.....		5	0
Attending at Gazette office to get advertisements as to Mr. Hungerford's death inserted second time.....		6	8
Paid for Gazette and insertion.....	1	8	2
Copy advertisement for Times newspaper .....		2	6
Attending inserting same .....		6	8
Paid insertion, etc.....		16	5
The like for Morning Herald.....		9	2
Paid insertion, etc.....		16	5
The like for Standard.....		9	2
Paid insertion, etc.....		16	5
Attending at Gazette office to get advertisement as to claim of Madame de la Batut inserted a second time.....		6	8
Paid for insertion .....	1	1	0
Copy advertisement for Times newspaper .....		2	6
Attending inserting same .....		6	8
Paid insertion.....		16	0
The like for Morning Herald.....		9	2
Paid for insertion, etc .....		16	0
The like for Standard.....		9	2
Paid for insertion, etc .....		16	0
Term fee.....	1	1	8

## EASTER TERM, 1837.

Attending Mr. Cullington to know if he could identify Mr. Fitall, which he declined doing unless the arrears of the annuity were paid .....		6	8
Attending bespeaking peremptory advertisement as to Hungerford's death.		6	8
Paid master's clerk .....	1	1	0
The like charges as to Madame Batut's claim .....	1	7	8
Attending Mr. Rush with Madame de la Batut's letter, and conferring thereon, when he agreed with us in thinking that she had abandoned all claim under the estate .....		6	8
Attending at Gazette office to get peremptory advertisement inserted as to Mr. Hungerford's death.....		6	8
Paid for Gazette and insertion.....	1	8	2
Copy advertisement for Times newspaper .....		2	6
Attending inserting the same.....		6	8
Paid insertion, etc.....		16	5
The like for Morning Herald.....		9	2
Paid insertion, etc.....		16	5

	£	s.	d.
The like for Standard.....		9	2
Paid insertion, etc.....		16	5
Attending at Gazette office to get peremptory advertisement as to claim of Madame de la Batut inserted.....		6	8
Paid insertion.....	1	1	0
Copy of advertisement for Times newspaper.....		2	6
Attending inserting same.....		6	8
Paid insertion.....		16	0
The like for Morning Herald.....		9	2
Paid insertion.....		16	0
The like for Standard.....		9	2
Paid insertion.....		16	0
Attending at Gazette office to get peremptory advertisement inserted a second time as to death of Mr. Hungerford.....		6	8
Paid for Gazette and insertion.....	1	8	2
Copy advertisement for Times.....		2	6
Attending inserting same.....		6	8
Paid insertion, etc.....		16	5
The like for Morning Herald.....		9	2
Paid insertion, etc.....		16	5
The like for Standard.....		9	2
Paid insertion, etc.....		16	5
Attending at the Gazette office to insert the peremptory advertisement a second time as to claim of Madame de la Batut.....		6	8
Paid for insertion and Gazette.....	1	1	0
Copy advertisement for Times.....		2	6
Paid insertion.....		16	0
The like for Morning Herald.....		9	2
Paid insertion.....		16	0
The like for Standard.....		9	2
Paid for insertion.....		16	0
Attending at Mr. Deacon's to ascertain if any of the foreign papers had arrived, when he handed us three of the French papers which he had only received that morning.....		6	8
Perusing and examining same, and ascertaining they were full of errors; attending Mr. Deacon again, and correcting same, and requesting him to get same correctly inserted.....		13	4
Writing Madame de la Batut, in answer to her last letter, and requesting any information she could give as to the death of Mr. Hungerford.....		5	0
Making two copies of peremptory advertisement to get translated into French and Italian.....		5	0
Attending translators therewith, and afterwards for same.....		13	4
Paid them.....	2	6	6
Making 12 copies for insertion in the foreign papers.....	1	10	0
Attending Mr. Deacon therewith, and instructing him thereon.....		13	4
Paid for foreign advertisements.....	12	3	0
Writing long letter to Mrs. Batut, in answer.....		5	0
Attending paying for foreign advertisements and for receipts.....		6	8
Attending Mr. Batut in very long conference, when he urged the claim of Madame de la Batut; but we informed him we had no discretion to apply the funds except under the direction of the court, and told him to carry in a claim before the master; when he stated "he would submit certain documents of evidence material to the plaintiff's case, for an inspection at 10:30 o'clock next day".....		13	4

	£	s.	d.
Paid for oaths of Messrs. Clarke, Fynmore, and Fladgate to three copies of bill delivered to Mr. Rush .....	13	6	
<i>April 29.</i> —Attending Mr. Batut for upwards of two hours, when he appeared desirous of making terms as to the information he could give relative to the death of Mr. Hungerford without children, which he assured us we could not obtain elsewhere; and informing him we could communicate with plaintiff thereon, and requesting him to put any legal claims he might have into the hands of his solicitors, and we promised to represent to Mr. Rush his statement .....	1	1	0
Writing to Mr. Rush on the above subject, and requesting appointment to meet him .....	5	0	
<i>May 1.</i> —Attending Mr. Gardner in long conference as to the claims of Madame Batut, which we thought were much larger than would be allowed her on proof before the master; and we postponed a final determination until we had again looked through the papers.....	13	4	
<i>May 2.</i> —Attending at Mr. Rush's in long conference as to the application of Mr. Batut, when it was decided that we could not offer any pledge that attention would be paid to his application, but that we must procure from him such information as he could give, and, if it appeared that he had any just claim, we would offer no technical or unnecessary delay to it.....	13	4	
<i>May 4.</i> —Attending Mr. Gardner, conferring very fully again hereon; when he stated that Mr. Smithson possessed himself of the property of the late Mr. Dickinson, and never rendered an account; and that he (Mr. Gardner) considered that a bill should now be filed against the defendant (Drummond), as executor of the testator in this cause, for such account; and that it was expected a larger sum would be found to have been received; but that at all events a claim would be established to a life interest in a sum equal to that stated in the will to be the nephew's property, viz, £260 per annum, which, in point of fact, had been the amount of allowances made to Mrs. Batut by the testator, as she could prove; and we urged that filing a bill would be useless, as it was impossible to furnish an account, but would search through all the documents in the plaintiff's custody or power, and give them every facility to settle the matter in the master's office.....	13	4	
<i>May 5.</i> —Attending Mons. Batut for upward of two hours, when we told him the only chance for his obtaining any remuneration from the plaintiff was to furnish him with every information in his power relative to the death of Mr. Hungerford, which he seemed very unwilling to do, without a pledge that something should be done, and we assured him that no party here could give such pledge, and that if he was really disposed to sell his information, he must put his terms into writing, when he stated that he would consider the course to adopt, and advising him to give us the information, and informing him if he did not we should resist Madame Batut's claim in every possible way.....	1	1	0
<i>May 6.</i> —Attending at Mr. Deacon's; going through and perusing the documents deposited in the boxes, etc.; to answer Mr. Gardner's inquiry, but could find nothing; engaged several hours.....	1	1	0
<i>May 11.</i> —Attending Mr. Gardner as to Mr. Batut's claim, when he required to be furnished with an account of the payments made by Mr. Smithson in his lifetime to Madame de la Batut, which we promised to procure, as evidence of the fund she might claim under the will of Dickinson.....	13	4	
Attending Mr. Deacon, making inquiry as to the foreign papers, when he handed us several French ones, and promised to write for the Italian....	6	8	

£ s. d.

<i>May 18.</i> —Attending Mr. Batut on his furnishing us with the required information, when it appeared that Mr. Hungerford was buried at a Dominican convent, at Pisa, under the name of Baron de la Batut, on the 5th of June, 1835, and that a stone was raised to his memory; but that his servant, Leo Ferna, could not be found, and he urged his claim upon the consideration of the plaintiff, when we informed him that we could not entertain such claim, but referred him at once to Mr. Rush, or to the American Government.....	13	4	
Attending Mr. Rush afterwards, conferring on Mr. Batut's information and application, when it was determined that a meeting should take place in our presence between Mr. Rush and Mr. Batut.....	13	4	
Attending Mr. Gardner to confer as to appointment with Monsieur Batut, but he was out of town; writing Mr. Rush thereon .....	5	0	
Term, fee, etc.....	1	1	8

## TRINITY TERM, 1837.

Attending at Messrs. Drummond, going through their books to ascertain whether any drafts had been drawn upon them by the testator, which would tally with the claim brought forward by Mrs. Batut, but found it was the testator's habit to draw only for large sums, and his account proved nothing.....	13	4	
<i>May 30.</i> —Paid for copy charge of Mrs. Batut's, folios 36 .....	4	6	
Attending warrant to proceed thereon, when the master directed interrogatories to be exhibited for the examination of Mr. Drummond.....	6	0	
<i>June 1.</i> —Paid for copy charge of Mrs. Fitall, folios 12 .....	1	6	
<i>June 2.</i> —Attending Mr. Batut further as to his alleged claim, and the information he still withheld and promised to afford us.....	6	8	
<i>June 5.</i> —Attending him again on the above subject, and asking him what he required; when he promised to consider our request and see us thereon next day.....	6	8	
Attending Messrs. Pemberton, advising them what had taken place, and requesting them to attend the next day with Mr. Batut .....	6	8	
<i>June 6.</i> —Attending warrant on Mrs. Fitall's charge when the master directed an affidavit in support verifying when he died.....	6	8	
<i>June 6.</i> —Attending Mr. Batut, and afterwards Mr. Rush, when Mr. Batut stated that he would make the requisite affidavit, and taking full instructions for same; but on our application for an appointment to swear same, he changed his mind, and stated that he would not make the affidavit unless he had a pledge from Mr. Rush that he would support his claim in America, which he did not feel justified in giving, and therefore the treaty was broken off; engaged upward of two hours.....	1	1	0
Instructions for affidavit .....	6	8	
Drawing same, folios 14.....	14	0	
Attending Messrs. Pemberton thereon, and urging them to get affidavit made, and to bring in same evidence in support of their state of facts....	6	8	
<i>June 9.</i> —Writing Mr. Rush very fully thereon.....	5	0	
<i>June 10.</i> —Attending Mr. Rush in very long conference on Mr. Batut's conduct, and informing him of the nature of the evidence sent us from Italy, which we thought was quite sufficient .....	13	4	
Attending Mr. Cullington, pressing him to leave in the master's office his affidavit, required in support of charge as to Fitall's annuity, when he promised to see his client thereon and to proceed with the charge forthwith.....	6	8	

	£	s.	d.
Paid postage of foreign letter from Mr. Berri .....	4	1	
<i>June 16.</i> —Attending Mr. Gardner to press him to bring in the particulars of proof of Mrs. Batut's claim, and conferring on claim.....	6	8	
<i>June 19.</i> —Paid for copy affidavit in support of charge of Mrs. Fitall, folios 8.	1	0	
<i>June 20.</i> —Attending warrant to proceed on charge of Mrs. Fitall's, same allowed.....	6	8	
Paid for warrant for Mrs. Batut to bring in evidence in support of charge, otherwise it would be disallowed, copy and service (no clerk in court) ..	5	6	
Writing Mr. Rush as to Fitall's annuity.....	5	0	
<i>June 23.</i> —Writing Mr. Rush, at defendant Drummond's request, touching an application made to him by Mr. Batut, and requiring his instructions thereon.....	5	0	
Having received from Leghorn an official certificate of the death of Mr. Hungerford, authenticated by Mr. Falconer (the consul), attending at the Foreign Office, to ascertain what gentleman connected with the office could verify the signature, and found Mr. Hertslet was known to him, but he was from town.....	6	8	
<i>June 23.</i> —Attending Messrs. Pemberton & Co., on their stating they were preparing instructions for the interrogatories, but previous to completing them, they were anxious to examine some papers belonging to the testator, in a black trunk in our possession—going through same with him—but they afforded him no information; engaged two hours.....	13	4	
<i>June 26.</i> —Attending Mr. Gardner this morning, upward of two hours, on the subject of Mrs. Batut's claim, endeavoring to come to some arrangement and to ascertain if her claim was really founded in justice .....	13	4	
<i>June 29.</i> —The master having required evidence of the insertion of the foreign advertisements and as to their correctness, instructions for affidavits .....	6	8	
Drawing same, and fair copies; folios 14.....	14	0	
Fair copy for perusal .....	4	8	
Attending Mr. Deacon and Mr. Whittaker, severally, therewith, and finally settling same.....	13	4	
Engrossing same .....	4	8	
Attending Mr. Deacon to the public office to get sworn to the same; Mr. Whittaker could not attend .....	6	8	
Paid two oaths .....	3	0	
<i>July 1.</i> —Attending Mr. Whittaker to get sworn .....	6	8	
Paid oath .....	1	6	
Paid Mr. Whittaker and Mr. Deacon for loss of time and trouble .....	2	2	0
Attending paying same and keeping receipt.....	6	8	
Warrant on leaving two copies, and services.....	6	0	
Attending Mr. Gardner, pressing him to support a claim of Mrs. Batut's; informing him, if not done forthwith, we should exclude her altogether from the report; when he informed us, if we did, he should immediately file a bill.....	6	8	
Attending warrant as to Mrs. Batut's evidence in support of her charge, when Mr. Gardner undertook to have interrogatories on the following day.	6	8	
Paid for copy of interrogatories—for twelve close copies .....	1	6	
Carriage of parcel from Pisa.....	4	0	
Inclosing certificate.....	7	8	
Having received the above certificate of the death of Mr. Hungerford, attending Mr. Whittaker to get same translated.....	6	8	
Paid his charges.....	2	14	0

SMITHSONIAN BEQUEST.

83

	£	s.	d.
Attending warrant to settle interrogatories as to Mrs. Batut's claim, when the master allowed same, subject to any objections the defendant might make to the exhibits which were not left in the office.....	16	8	
Warrants for Mrs. Batut to bring in exhibits, copy, and service—not in cause .....	5	6	
<i>July 17.</i> —Attending counsel, in long conference, as to these interrogatories and exhibits .....	13	4	
Paid his fee, and clerk .....	1	6	0
Attending.....	6	8	
Attending to Mr. Rush, in very long conference on the state of the suit, and advising with him as to incurring any extra expense in the inquiries after Mr. Hungerford's death .....	13	4	
Writing Messrs. Pemberton on the proposed exhibits, and copy.....	5	0	
Writing to Mr. Rush very fully, in answer to a letter received from him as to probable time suit would take. ....	7	6	
Drawing request to accountant-general to invest dividends.....	2	6	
Attending him thereon .....	6	8	
Paid his fee.....	4	0	
Attending Mr. Rush, informing him of the impossibility of obtaining report before office closed, and explaining the necessity of giving Madame Batut the means of establishing her claim rather than file a bill .....	6	8	
Attending warrant to proceed on Mrs. Batut's claim when exhibits were left in support thereof .....	6	8	
Paid for copy examined, folios 28.....	3	6	
Close copy.....	9	4	
<i>July 25.</i> —Attending warrant and interrogatories when the same were finally settled, the solicitors for Madame de la Batut having brought in exhibits .....	6	8	
Drawing and fair copy state of facts as to the death of Henry Hungerford, folios 48 .....	1	12	0
Warrant on leaving same, two copies and services.....	6	0	
Instructions for affidavits in support.....	6	8	
Drawing same, and fair copy, folios 4.....	4	0	
Attending Mr. Hertslet several times to endeavor to get him to appoint a time to swear, but could not .....	6	8	
Attending at the master's office to examine exhibits with the copies, and engaged comparing same, but found one missing.....	6	8	
Attending Mr. Rush in a very long conference on the subject of this suit..	13	4	
<i>Aug. 14.</i> —Attending at the foreign office and conferring on the affidavit with Mr. Hertslet, when he requested us to leave the report, certificates, and affidavits with him, and he would appoint a time to swear affidavit.	13	4	
Engrossing affidavit, folios 4 .....	2	0	
Attending Mr. Hertslet to be sworn .....	6	8	
Paid oath and exhibit .....	4	0	
Paid his charges.....	1	1	0
Warrant on leaving copy and service .....	6	0	
Postage of letter to Mr. Tannin, in answer to his letter relative to death of Mr. Hungerford.....	1	8	
Writing very long letter to Mr. Rush, informing him of what had taken place .....	5	0	
Instructions for further affidavits in support.....	6	8	
Drawing same, and fair copy, folios 20 .....	1	0	0
Engrossing same .....	6	8	

	£	s.	d.
Writing Mr. Rush, stating the result of our inquiries touching the property formerly belonging to Mr. Dickinson, under whose will Mrs. Batut claimed.....	5	0	
<i>Sept. 2.</i> —Attending Mr. Rush, conferring and explaining the position of Mrs. Batut's claim, and the effect of the information received from France, from which it would appear that such claim was fraudulent....	13	4	
Instructions for affidavit of Mr. Whittaker as to verification of translated copy of report from Pisa.....	6	8	
Drawing same, and fair copy, folios 4.....	4	0	
Copy report to annex as exhibit.....	10	0	
Attending Mr. Whittaker, conferring thereon, and getting him to settle same .....	6	8	
Engrossing same, folios 4.....	1	4	
Attending him to be sworn.....	6	8	
Paid oaths and exhibits.....	4	0	
Warrant and leaving copy and service .....	8	6	
Paid him for loss of time .....	1	1	0
Attending swearing further affidavits in support of plaintiff's facts.....	6	8	
Paid oath, etc.....	4	0	
Term fee and letters.....	1	1	8

## MICHAELMAS TERM, 1837.

Warrant on leaving same, copy and service .....	6	0	
Warrant to proceed on Mrs. Batut's charge, copy and service.....	8	6	
Attending warrant, and proceeding thereon.....	6	8	
Instructions for affidavit for Mr. Curdy, verifying translation of notarial act made at Paris after the decease of Mr. Hungerford .....	6	8	
Drawing same, and fair copy, folios 4.....	4	0	
Copy translation, to annex as an exhibit.....		8	
Engrossing affidavit, folios 4.....	1	4	
Attending to be sworn.....	6	8	
Paid oath, etc.....	4	0	
Warrant on leaving two copies and service .....	6	0	
Warrant on leaving further evidence.....	6	0	
Attending Mr. Rush in very long conference on the progress of, and advising on, this suit, and taking his instructions thereon.....	13	4	
Paid for transcript of account.....	4	0	
Attending bespeaking, and afterwards for same.....	6	8	
Drawing request to accountant-general to invest dividends .....	2	6	
Attending bespeaking investment of dividends .....	6	8	
Paid fee .....	4	0	
Instructions for affidavit of Mr. Hertslet, verifying notarial act as to death of Mr. Hungerford .....	6	8	
Drawing same, and fair copy, folios 4 .....	4	0	
Attending him to peruse and settle same.....	6	8	
Engrossing same .....	1	4	
Attending him to be sworn.....	6	8	
Paid oath and exhibit .....	4	0	
Paid his charge.....	1	1	0
Warrant on leaving two copies and services .....	6	0	
Warrant to proceed on state of facts, and charge of plaintiff, as to death of Mr. Hungerford, copy and service.....	6	0	
Attending warrant, same proceeded with and allowed, and warrant ordered to be issued on Mrs. Batut's charge.....	6	8	

	£	s.	d.
Warrant to proceed on state of facts, and charge of Mrs. Batut's, copy and service .....	8	6	
Attending bespeaking transcript in original cause, and afterwards for same.	6	8	
Paid .....	4	0	
<i>Sept. 29.</i> —Attending Mr. Rush, reporting and advising on the progress of the proceedings in the master's office .....	6	8	
<i>Dec. 4.</i> —Attending warrant and proceeding on facts and charge of Mrs. Batut, when the master directed another warrant to issue .....	6	8	
Warrant to proceed, three copies and service .....	8	6	
Attending warrant when the master said he thought she had established a claim to half of the income of the French fund, but would give us leave to inquire and prove, if we could, that it had been already satisfied and he directed us to obtain an order to state special circumstances in regard to her claim, the words of the decree not being sufficient .....	6	8	
Writing Mr. Rush very fully thereon .....	5	0	
Attending Mr. Rush in a very long conference, and advising with him on the expediency of opposing Mrs. Batut's claim, as it would cause much delay, and stop the order on further directions; and explaining same fully to him, when he promised to consider the same, and see us again thereon.	13	4	
<i>Dec. 14.</i> —Attending Mr. Rush in very long conference as to Mrs. Batut, on his having duly considered the subject; when he instructed us to write to Paris to obtain such evidence as we could, and lay same before counsel, to advise on the expediency of opposing Mrs. Batut's claim, we being of opinion that evidence might be obtained that would repel her claim..	13	4	
<i>Dec. 19.</i> —Attending at the foreign office to make inquiry touching the swearing of affidavits abroad before a proper tribunal, and found that they could be sworn before the British consul .....	6	8	
Instructions for affidavit to be sworn by the stockbroker who transferred same .....	6	8	
Drawing same and fair copy, folios 6, and fair copy to send to Paris .....	6	0	
Instructions for affidavit of a notary as to some documents in his possession relative to the transfer .....	6	8	
Drawing same and fair copy, folios 8 .....	8	0	
Fair copy to send to Paris .....	2	8	
Writing Mr. Truftant therewith and fully thereon, and urging him to get affidavits sworn if possible in their present shape, but if not, to advise with some English solicitor at Paris .....	7	6	
<i>Dec. 29.</i> —Postage letter from Mr. Truftant requiring further instruction...	1	2	
Writing to him very fully thereon .....	7	6	
Instructions to amend decree .....	13	4	
Drawing notice of motion to amend decree .....	2	0	
Copy and service .....	2	0	
Drawing and engrossing affidavit of service .....	6	0	
Attending swearing .....	6	8	
Paid oath .....	1	6	
Attending filing and for office copy .....	6	8	
Paid .....	6	0	
Drawing brief for counsel to move .....	10	0	
Paid him and clerk .....	1	3	6
Attending him .....	6	8	
<i>Jan. 8, 1838.</i> —Attending Mr. Rush in very long conference on the progress of the cause, etc. ....	13	4	
Term fee, etc. ....	1	1	8

HILARY TERM, 1838.

	£	s.	d.
<i>Jan. 11.</i> —Attending court, motion made and ordered accordingly.....	13		4
Postage of letter to Mr. Truftant, requesting to be furnished with a copy of Mrs. Batut's claim .....		1	2
Copy same, to send, folios 36.....	12		0
Writing him very fully therewith and thereon .....	7		6
Paid for copy minutes .....	2		0
Close copy.....	1		0
Attending settling.....	6		8
Paid for order.....	1	0	0
Attending register to draw up and pass order.....	6		8
Paid entering .....	1		0
Attending to enter same .....	6		8
<i>Jan. 23.</i> —Postage of a letter from Mr. Truftant, containing a certificate, signed by the chargé d'affaires, which, from his letter, appeared the best evidence he could procure for us .....	2		4
Writing him that same was not sufficient, and requesting to know, per return, whether or not the stockbroker could make an affidavit as to the fact of instructing him thereon, and if he could not procure such affida- vit, to make one himself.....	7		6
<i>Jan. 30.</i> —Postage letter from Mr. Truftant.....	5		0
<i>Jan. 31.</i> —Attending Mr. Rush, fully conferring as to the inquiries touching Mrs. Batut's claim, when he stated he would consider same, and decide whether to proceed or not .....	13		4
<i>Feb. 5.</i> —Attending Mr. Rush on his wishing to know the result of the pro- ceedings if the claim of Mrs. Batut were resisted, and to what extent the proceedings might be carried by her, and explaining same very fully to him, when he wished us to write a letter to him thereon.....	13		4
Writing letter and copy.....	5		0
<i>Feb. 6.</i> —Attending counsel in long conference on the evidence obtained from Paris, and as to the expediency of bringing same into the master's office .....	13		4
Fee to him and clerk thereon .....	1	6	0
Attending him .....	6		8
Copy of Mr. Truftant's affidavit, to keep.....	2		8
Warrant on leaving three copies, and services.....	8		6
Warrant to proceed on claim, three copies, and services.....	8		6
<i>Feb. 19.</i> —Attending warrant and proceeding on state of facts and affidavits in opposition to Mrs. Batut's claim, when claim allowed.....	6		8
Warrant to show cause why warrant on preparing draft report should not issue, three copies, and services.....	8		6
<i>Feb. 21.</i> —Attending warrant, no cause shown .....	6		8
Warrant, on preparing three copies, and services.....	8		6
Copy will of testator for the master, folios 8.....	2		8
Paid for copy draft report, folios 48.....	6		0
Close copy.....	16		0
<i>Mar. 1.</i> —Warrant to settle, three copies, and services .....	8		6
Attending same .....	6		8
Attending Messrs. Pemberton, conferring very fully on the draft report and the several inaccuracies therein, and calculating amount of arrears, etc., due.....	6		8
Attending warrant on charge of Messrs. Clarke & Co., when same allowed.....	6		8
Paid for copy same, folios 6.....			9

	£	s.	d.
Close copy.....	2	0	
Paid for copy affidavit in support, folios 4.....			6
Close copy.....	1	4	
Another warrant to settle report, three copies, and services.....	8	6	
Attending warrant and settling report; but the master directed many additions to be made thereto, and an affidavit to be obtained from a broker in the city as to the amount of exchange .....	6	8	
Attending Mr. Rush in very long conference thereon before, at, and after the above warrant, when he directed us to obtain the order on further directions as soon as possible.....	13	4	
<i>Mar. 9.</i> —Attending Mr. Rush again, conferring fully herein.....	13	4	
<i>Mar. 12.</i> —Attending Messrs. Pemberton as to the cause of delay in obtaining the necessary affidavit, when they promised to bring same in in a few days.....	6	8	
Paid for copy of affidavit of Mr. Boyd, folios 6.....			9
Close copy.....	2	0	
<i>Mar. 17.</i> —Attending warrant and proceeding on state of facts.....	6	8	
<i>Mar. 20.</i> —Paid for fresh copy report, folios 44 .....	5	6	
Close copy.....	14	8	
Warrant to sign, three copies, and services.....	8	6	
Attending same .....	6	8	
Paid for drawing, signing, and transcribing report.....	3	9	6
Paid filing and for office copy .....	1	16	10
Attending to file .....	6	8	
Drawing and engrossing petition to confirm report absolute in the first instance .....	4	0	
Attending getting consents .....	6	8	
Attending to present .....	6	8	
Paid answer and for order .....	7	0	
Two copies and services on clerks in court .....	4	0	
Draft on Pemberton .....	2	6	
Drawing and engrossing petition, to set down cause on further directions and costs .....	4	0	
Attending to present.....	6	8	
Paid answer and setting down cause, etc.....	19	0	
Two copies, and services, order on clerks in court .....	4	0	
Draft on Messrs. Pemberton.....	2	6	
Attending defendant's solicitor for consent to hear cause immediately.....	13	4	
Making copy decree for the master of the rolls, four sides .....	2	8	
Making report, folios 48.....	16	0	
Attending to leave same .....	6	8	
Attending Mr. Rush in very long conference, explaining that the report had been confirmed, and giving him extracts of all the dates and proceedings, etc., and advising him as to the future proceedings, etc .....	13	4	
Drawing and engrossing copy affidavit of service of order to set cause down.....	3	4	
Attending to be sworn.....	6	8	
Paid oath.....	1	6	
Attending filing and afterwards for same .....	6	8	
Paid filing and for office copy .....	3	4	
Attending Mr. Rush, informing him cause was set down and would be heard in Easter term, and conferring thereon.....	13	4	
Instructions for petition .....	6	8	

	£	s.	d.
Drawing and fair copy petition to be heard with the cause, on further directions, folios 88 .....	4	8	0
Attending Mr. Rush, conferring thereon, when he wished counsel to be advised with thereon .....	13	4	
Attending conferring with Mr. Shadwell thereon, when he advised cause to be set down and petition to be presented afterwards.....	13	4	
Paid his fee and clerk .....	1	6	0
Attending him.....	6	8	
Drawing proposed minutes, folios 12 .....	12	0	
Fair copy for Mr. Shadwell .....	4	0	
Attending him in conference and settling same .....	13	4	
Paid his fee and clerk.....	1	6	0
Attending him .....	6	8	
Two copies minutes for defendants.....	6	8	
Attending them therewith and thereon, and finally agreeing to same.....	13	4	
Drawing brief on further directions, 7 brief sheets .....	2	6	8
Two fair copies for counsel .....	2	6	8
Drawing observations for plaintiff, 2 brief sheets.....	13	4	
Two fair copies for counsel.....	13	4	
Attending Messrs. Pemberton on their requesting some information in order to draw their petition, and giving them same, engaged some time, term fee, etc .....	1	1	8

## EASTER TERM, 1838.

Attending to bespeak and afterwards for certificate of funds in court in this cause .....	6	8	
The like in original cause.....	6	8	
Fee to Mr. Pemberton and clerk with brief .....	5	10	0
Attending him .....	6	8	
Fee to Mr. Shadwell and clerk .....	3	5	6
Attending him .....	6	8	
Attending Mr. Shadwell, obtaining his certificate for cause to be heard short.....	6	8	
Attending register therewith, and getting cause put in the paper for next short cause day .....	6	8	
Attending Mr. Pemberton to appoint a consultation at Westminster.....	6	8	
Fee to Mr. Pemberton and clerk thereon.....	2	9	6
The like, Mr. Shadwell.....	1	3	6
Attending him .....	6	8	
Writing to Mr. Rush informing him of consultation.....	5	0	
Attending consultation when Mr. Pemberton expressed his regret that the petition had not been presented, and directed Mr. Shadwell to draw same immediately .....	13	4	
Paid for room.....	5	0	
May 1.—Mr. Clarke and Fladgate's attending court; cause heard and ordered as per minutes, agreed, but the order to stand over for petition to come on as to funds being paid to Mr. Rush .....	2	2	0
Paid court fees .....	13	0	
Attending Mr. Rush in very long conference, explaining to him fully what had taken place, and he directed us to use all expedition.....	13	4	
Perusing and considering former petition, and altering same in many respects .....	1	1	0

	£	s.	d.
Fee to Mr. Shadwell to peruse and settle.....	3	5	6
Attending him .....		6	8
Engrossing same and paper, folios 77 .....	1	8	8
Copy for the master of the rolls .....	1	8	8
Attending presenting petition, when the secretary directed that it be taken to Westminster to be answered by a certain day.....		6	8
Attending Mr. Pemberton, instructing him to get day appointed accord- ingly .....		6	8
Attending court when Mr. Pemberton mentioned it to the court, and it was ordered to be answered for Tuesday next .....		6	8
Attending his lordship's secretary, and getting same answered accordingly..		6	8
Paid answering.....		6	6
Two copies petition for service, folios 77, each.....	2	17	4
Attending serving the same on clerks in court.....		4	0
Drawing and engrossing affidavit of service.....		3	4
Attending to be sworn.....		6	8
Paid oath.....		1	6
Attending to file and for office copy .....		6	8
Paid for office copy.....		3	4
Two brief copies petition, 8 brief sheets, each .....	2	13	4
Drawing observations to accompany 2 brief sheets .....		13	4
Two brief copies for counsel.....		13	4
Attending Mr. Rush again hereon, conferring and advising very fully hereon..		13	4
Attending register to get original decree altered, as directed by the court, and after some trouble getting same altered accordingly .....		13	4
Attending to enter and afterwards for same.....		6	8
Paid at entering seat for alteration.....		1	0
Fee to Mr. Pemberton and clerk with brief petition .....	2	4	6
Attending him.....		6	8
Fee to Mr. Shadwell and clerk .....	1	3	6
Attending him .....		6	8
Writing Mr. Rush that the court would not sit on Tuesday, and that petition would be in on Wednesday .....		5	0
Attending court, petition heard and ordered as prayed.....		13	4
Paid court fees .....		7	0
Attending Mr. Rush on the amount of funds in the cause, and writing him out full particulars thereof, and taking his instructions to expedite the transfer and payment to him.....		13	4
Writing to Mr. Truftant as to his charges and expenses, etc .....		5	0
Paid postage letter inclosing same .....		2	4
Paid same to his agents.....	10	0	0
Attending paying same and for receipt.....		6	8
Writing Mr. Rush, at his request, with full particulars of what took place at the hearing of the cause and also of the petition, and generally on the cause.....		7	6
Attending Mr. Hussey to draw up minutes, when he said the registrar, Mr. Callis, who was in court on the petition, ought to draw them up; attending on Mr. Callis and with him to Mr. Hussey, and arguing same, when it was finally determined that Mr. Hussey should draw up the minutes, and date them the 12th—engaged upward of an hour.....		13	4
Paid for copy minutes of decree.....		10	0
Close copy thereof.....		5	0

	£	s.	d.
Several attendances upon the registrar, to procure him to pass order, which was at length done .....	1	6	8
Paid for order on further directions.....	3	10	0
Paid expenditure.....		10	0
Term fee, etc.....	1	1	8

## TRINITY TERM, 1838.

Attending passing same.....	13	4	
Paid entering same.....	6	6	
Attending .....	6	8	
Making copy ordering part of the decree for the master.....	2	6	
Drawing this bill of costs, and fair copy for the master, folios 180.....	6	0	0
Warrant on leaving same, copy and service.....	4	6	
May 8.—Warrants to tax copies and services.....	1	16	0
Attending same .....	2	13	4
Paid clerk in court .....	2	13	4
Warrant for defendants to bring in their costs, two copies and services....	6	0	
Paid for copy defendant Drummond's costs, folios 72 .....	9	0	
Attending three warrants, taxing same .....	1	0	0
Paid clerk in court .....	1	0	0
Paid for copy attorney-general's costs, folios 16.....	2	0	
Attending warrant, taxing same.....	6	8	
Paid clerk in court .....	6	8	
Paid for certificate of costs and transcribing .....	1	0	6
Attending to file .....	6	8	
Paid filing same.....	3	10	
Attending accountant-general's, bespeaking clerks.....	6	8	
Paid entering clerk for costs.....	2	4	
Attending bespeaking carrying over of the funds and cash from Hungerford v. Drummond to this cause .....	6	8	
Paid.....	5	0	
Attending bespeaking carrying over of £5,015, bank £3 percents to Mrs. Batut's account, paid .....	6	8	
Attending bespeaking direction for transfer of all the funds to Mr. Rush in the £3 percent annuities .....	6	8	
Paid .....	2	6	
The like on reduced annuities.....	9	2	
The like on bank stock .....	9	2	
Attending bespeaking transfer to Mr. R. Rush.....	13	4	
Paid.....	1	4	0
Paid messenger .....	1	6	
Instructions for affidavit as to residue of cash .....	6	8	
Drawing and fair copy affidavit .....	6	8	
Attending to be sworn.....	6	8	
Paid oath.....	1	6	
Paid for office copy .....	4	8	
Attending bespeaking check of residue of cash .....	6	8	
Paid clerks for their trouble .....	5	5	0
Attending to identify Mr. Rush .....	6	8	
Paid entering check.....	2	4	
Term fee, etc.....	1	1	8
Letters, messengers, etc .....	1	10	0

£ s. d.

For various attendance, not hereinbefore enumerated, on Messrs. Derby and Raven, the solicitors for the attorney-general; Messrs. Pemberton; Crowley, and Gardner, the solicitors for Mr. de la Batut, and Mr. Cullington, the solicitor for Mr. Fitall, to urge their proceeding in the several matters connected with the suit with all possible expedition, it being the earnest wish of Mr. Rush that the suit should be brought to a final conclusion with the least possible delay .....	5	5	0
<i>May 25.</i> —Attending Mr. Rush; conferring very fully with him as to the several matters remaining to be done to wind up the suit .....	13	4	
<i>June 2.</i> —Attending Mr. Rush in a long conference as to winding up the suit, and the difficulties we had to encounter in the accountant-general's office .....	13	4	
Attending in the city to make inquiries as to the transfer of stock, and found it would not be made until Tuesday, but that Mr. Rush could sell it out the same day .....	13	4	
Writing to Mr. Rush to inform him thereof and special messenger with letter .....	7	6	
Attending Mr. Rush afterwards, informing him what arrangement we should suggest to him as to selling the stock .....	6	8	
<i>June 4.</i> —Attending Mr. Rush again this day, conferring on the transfer of stock and as to winding up the suit; and he requested us to write him an official letter announcing the transfer of the funds .....	13	4	
Attending at the accountant-general's to learn if the stocks were transferred, which we found was done .....	6	8	
Writing an official letter to Mr. Rush to inform him thereof, according to his request .....	5	0	
<i>June 5.</i> —Attending Mr. Rush, conferring very fully in what remained to be done and as to the steps to be taken by him to realize the funds .....	13	4	
<i>June 6.</i> —Attending Mr. Rush on the subject of the residue of cash in court, which was to be paid to him, and explaining that we could procure same out of court by Saturday; and he requested to be furnished with a copy of the list of articles deposited with Mr. Deacon .....	13	4	
Copy list for him (schedule marked "F"), one trunk only (see list) .....	2	6	
<i>June 8.</i> —Attending the accountant-general's to learn if check was ready for Mr. Rush, and found it was and would be signed this day .....	6	8	
Writing to Mr. Rush to inform him thereof and to make an appointment for him to attend and receive same .....	5	0	
<i>June 12.</i> —Attending Mr. Deacon to ascertain if the boxes could be sent to our office; and he not being home writing to him thereon .....	6	8	
<i>June 18.</i> —Attending Mr. Deacon to make appointment for Mr. Rush to attend to inspect contents of boxes .....	6	8	
Writing to Mr. Rush to inform him .....	5	0	
<i>June 20.</i> —Attending at Mr. Deacon's, 31 Upper Norton street, to meet Mr. Rush to inspect the contents of boxes, etc.; but the boxes being more numerous than he expected, he deferred the close examination of them for the present .....	13	4	
<i>June 30.</i> —Attending Mr. Rush, conferring on what remained to be done and making arrangements with him as to sending the box we had here, together with the plate and other articles, to Mr. Deacon's, where we should meet him and Colonel Aspinwall, the consul, and seal all the boxes up .....	13	4	
Making list of the plate and other articles .....	5	0	

	£	s.	d.
Mr. Rush wishing to know what the several funds would have realized if they could have been sold immediately upon the death of Mr. Hungerford, attending at Messrs. Drummond's to learn what the prices of the several stocks then were and making a calculation accordingly; and drawing out a statement for Mr. Rush, from which it appeared that after deducting all the costs the funds had realized £173 12s. 1d. more now than they would have done if the funds had all been sold immediately upon the decease of Mr. Hungerford .....	2	2	0
Paid for a new lock to box .....		5	0
July 6.—Attending at Mr. Deacon's to meet Mr. Rush and Colonel Aspinwall, when the several boxes were sealed up and directions given for their transmission to the wharf .....	1	1	0
Attending at the accountant-general's to bespeak a transcript of account ..		6	8
Paid for same .....		8	0
Attending to procure same .....		6	8
Several other attendances upon Mr. Rush, furnishing him with all such further information as he required previous to his leaving this country for America .....	3	3	0
Letters and messengers, coach hire, and various incidental expenses .....		15	0
	490	4	10

IN CHANCERY.

Between the President of the United States of America, plaintiff, and Charles Drummond, esq., and Her Majesty's attorney-general, defendants.

Thomas Clarke, Thomas George Fynmore, and William Mark Fladgate, of Craven street, Strand, in the county of Middlesex, solicitors and copartners, severally make oath and say that the several disbursements contained in the foregoing account have been duly made, and that the several charges therein contained are just and true, to the best of these deponents' knowledge and belief.

THOMAS CLARKE.  
THOMAS G. FYNMORE.  
WM. M. FLADGATE.

Sworn by all the deponents, at the public office, Southampton Buildings, in the county of Middlesex, the 11th day of July, 1838, before me.

E. WINGFIELD.

*Clarke, Fynmore & Fladgate to Richard Rush.*

43 CRAVEN STREET, STRAND, *July 13, 1838.*

DEAR SIR: With reference to the gun, a few pieces of china, and a few other articles of a miscellaneous nature, which are mentioned in the schedule of property formerly belonging to Mr. Smithson (of which schedule we furnished to you a copy), and which articles do not now appear to be among the property lately under the charge of Messrs. Deacon, we beg to state that the schedule in question was a schedule prepared at the time of Mr. Smithson's death, now several years back, and that we have no doubt that the articles (which appear to have been

such as would be used personally by Mr. Smithson) were handed to Mr. Hungerford, who, indeed, had he thought fit to apply for them, would, under the direction of the court, have obtained possession of all the property lodged with Messrs. Deacon, and which is now handed over to you as representative of the United States.

We are, dear sir, your very obedient servants,

CLARKE, FYNMORE & FLADGATE.

RICHARD RUSH, Esq.

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*Richard Rush to John Forsyth.*

LONDON, *July 14, 1838.*

SIR: All the transfers of stock were made on the proper days; all the money was received, and arrangements are now in daily progress for obtaining, insuring, and shipping the gold. It will be on board the New York packet *Mediator*, Captain Champlin, by or before the 17th instant, in which ship I have taken my passage, intending to embark on that day. The costs of suit have been paid, but the other expenses, arising out of the sale of the stock and shipment of the proceeds, can not be examined and settled until immediately before I embark, as the whole of the operations can not be completed until then. It will hence not be in my power to make a statement of all these expenses until I arrive at New York or Washington, when it shall be rendered in a manner that I trust will be satisfactory. I can only repeat that my best exertions have not been spared to keep them all within a compass as moderate as possible.

I received at the Bank of England, day before yesterday, £900, being the interest on £60,000 of consols sold on the 6th of June. It will be remembered (see my No. 27) that this amount of the consols was sold on time, the stock not being deliverable until the 6th of July, which was the day after the dividends for the last six months fell due, by which I became entitled to receive for the United States the above sum of £900.

The boxes and trunk mentioned in my last are to go on shipboard to-day. Before knowing anything of their contents, I thought proper to have them opened and examined in the presence of our consul and two other persons. A large portion of the contents proved to be unimportant; nevertheless, all will be delivered over on my arrival as I received them, except to have them better packed for a sea voyage, and so as to prevent further injury to that which time and bad packing have already done to them.

I design to leave this letter behind me, to be forwarded by the British steamer *Great Western*, which, although not to sail until after the *Mediator*, may be expected to arrive first at New York. My going

in the *Great Western* has been precluded by the fact of her accommodations for passengers having all been engaged long before I knew the time when I should be able to close the business in my hands, and have the gold ready for shipment.

I have the honor to remain, with great respect,  
Your obedient servant,

RICHARD RUSH.

Hon. JOHN FORSYTH,  
*Secretary of State.*

*Account of Thomas Aspinwall.*

I, Thomas Aspinwall, of London, being duly sworn on the Holy Evangelists, do declare and depose that the within account is just and true, and that the services therein referred to and specified in the vouchers of said account, signed by me, and marked, respectively, No. 1, No. 2, were duly and actually performed.

THOS. ASPINWALL.

Sworn this 17th day of July, 1838, at London, before me.

J. COWAN, *Mayor.*

*The Hon. Richard Rush, agent for the Smithsonian fund, in account current with Thomas Aspinwall.*

DR.	CR.
1838.	1838.
July 16. To amount of invoice of sovereigns, procured and shipped on board the Me- diator, as per copy here- with.....	July 16. By cash received from him.
£ s. d. 105,565 12 5	106,370 7 8
To commission for various services, as per account No. 1, herewith.....	
797 15 6	
To charges on 14 packages, shipped on board the Me- diator, as per account No. 2, herewith.....	
6 19 4	
106,370 7 3	106,370 7 8

THOS. ASPINWALL.

LONDON, *July 17, 1838.*

## No. 1.

*The Hon. Richard Rush in account with the Smithsonian fund, to Thomas Aspinwall, Dr.*

For services rendered throughout the month of June and up to this date, in July; in attending your acceptance of all the stocks transferred to you by the accountant-general of the court of chancery; advising, negotiating, and completing, under your directions, and realizing the proceeds of various contracts for the sale of the same stocks, consisting of ~~consols~~, bank stock, and 3 per cent reduced annuities, ~~sold~~ at different periods and in different parcels; attending ~~payment~~ and receipt of balances, dividend, and the respective ~~transfers~~ to the various purchasers of the same; obtaining, verifying, arranging, packing, and securing for shipment 104,960 sovereigns, being the amount of proceeds of the Smithsonian fund (less premiums of insurance, charges, and expenses); contracting for freight; entering and clearing at the custom-house; shipping and effecting insurance at the five principal offices, and with thirty-two private £ s. d. underwriters at Lloyds. Commission at three-fourths per cent. .... 797 15 6

THOMAS ASPINWALL.

LONDON, July 17, 1838.

LONDON, July 17, 1838.

Received of the honorable Richard Rush the within-mentioned sum, seven hundred and ninety-seven pounds fifteen shillings and sixpence sterling (£797 15s. 6d.), for which I have credited in my accounts and also signed this and a duplicate receipt of the same tenor and date.

£797 15s. 6d.

THOMAS ASPINWALL.

LONDON, July 13, 1838.

*The Honorable Richard Rush to William Brown.*

	£	s.	d.
To unpacking and repacking 14 packages, at 2s. 6d. ....	1	15	0
cord and nails for mending do. ....		3	6
		<hr/>	
		1	18 6

Paid 14th July, 1838.

WILLIAM BROWN.

A true copy, original in Thomas Aspinwall's account.

JAMES M. CURLEY.

## No. 2.

JULY 13, 1838.

*Account of charges on 14 packages, marked "the United States," Nos. 1 to 14, shipped on board the ship Mediator, Christopher H. Champlin, master, by order of the Honorable Richard Rush, for account and risk of the Government of the United States.*

	£	s.	d.
Cartage and portorage .....	1	0	6
Duty and entry .....	1	2	6
Dock dues .....		15	10
Bills of lading .....		3	6

	£	s.	d.
1 packing case (No. 14) .....		3	6
Shipping; entering, and clearing 14 packages, at 2s. 6d. ....	1	15	0
Cord and nails for mending do .....		3	6
Unpacking and repacking do., and cording, mending, and securing, at 2s. 6d. each <sup>1</sup> .....	1	15	0
	<hr/>		
	6	19	4

Received the above amount in account with Mr. Rush.

THOMAS ASPINWALL.

Mediator, Champlin, New York.

T. ASPINWALL.

British coin for and on account: Entry, 5s. 6d.

THOMAS TANNER.

Witness:

JAMES M. CURLEY.

JULY 17, 1838.

When paid to be immediately exhibited at the Department, where this bill has been made out; by which business will be materially expedited.

[St. Catharine Docks, No. 1872, wharfage book, outwards.]

*Mr. Aspinwall, Dr., to the St. Catharine Dock Company.*

N. B.—The amount of these charges to be paid to the collector, who is the only officer authorized to receive money on account of the company.

1838.	Per Mediator:	£	d.	s.
July 17. [A] 1 to 10, wharfage and shipping, 10 cases, at 2s .....		1	0	0
11, do. do. 1 case, at 1s .....			1	0
		<hr/>		
		1	1	0

(One pound one shilling.)

JULY 17, 1838.

Received.

H. WHARTON, *Collector.*

Witness:

JAMES M. CURLEY.

(Entered schedule.)

The invoice having necessarily been made up before the cases were actually shipped on board, the usual charge of ten shillings was inserted therein; and it was not ascertained until after they were shipped that a difference was made with respect to bul- lion; amounting, in this instance, to eleven shillings, which has not been paid by Mr. Rush, but by Thomas Aspinwall, and by him relinquished.

<sup>1</sup> In consequence of the very loose and careless manner in which the boxes were originally packed, and of the damaged state of the packages, this charge was unavoidably incurred to prevent the con- tents from being ground to pieces and lost on the passage to the United States.

T. Aspinwall, esq., to bullion porters, Dr.

1838.		£	s.	d.
July 16.	11 boxes and packing sovereigns, at 3s. 6d.....	1	18	6
	105 bags for sovereigns, at 6d.....	2	12	6
	For packing and marking .....	2	6	
		4	13	6

Paid.

C. HARDINGHAM.

Witness:

JAMES M. CURLEY.

Colonel Aspinwall to Mrs. Clark, Dr.

1838.		£	s.	d.
July 17.	For cartage and portorage of eleven boxes of bullion from the bank to the St. Catharine's dock.....	0	8	0

Received.

HENRY X POTTER.

Witness:

JAMES M. CURLEY.

Invoice of eleven boxes of gold coin, shipped on board the ship Mediator, of New York, Christopher H. Champlin, master, bound to New York, by order of the Hon. Richard Rush, and for the account and risk of the United States.

	£	s.	d.
A 1 to 10. Ten boxes, each containing £10,000 (sovereigns) .....	100,000	0	0
A 11. One box containing .....	4,960	8	7
	104,960	8	7

CHARGES.

	£	s.	d.
105 bags, at 6d. each .....	2	12	6
11 boxes, at 3s. 6d. each .....	1	18	6
Packing and marking.....	2	6	
Portorage and cart hire.....	8	0	
Bills of lading.....	3	6	
Entry, 5s. 6d.; dock charges, 10s.....	15	6	
		6	0 6
Insurance on £106,400, at ½ per cent .....	532	0	0
Policies and stamp duties .....	67	3	4
		599	3 4
		105,565	12 5

THOMAS ASPINWALL.

	£	£	£	s.	d.
Insured with the Indemnity.....	30,000	for 150	18	15	0
Insured with the London Insurance.....	10,000	for 50	6	5	0
Insurance with the Alliance.....	20,000	for 100	12	10	0
Insured with the Royal Exchange.....	15,000	for 75	9	7	6
Insured with the Marine Insurance.....	10,000	for 50	6	5	0
Insured at Lloyd's .....	21,400	for 107	14	0	10
	106,400	532	67	3	4

MEMORANDUM.—The sovereigns are packed in bags of 1,000 each, with the exception of one, in case No. 11, which contains 960 sovereigns and 8 shillings and 7 pence wrapped in paper, each case being sealed with two seals.

JULY 16, 1838.

H. Doc. 732—7

DR.	Richard Rush in account with Smithsonian fund.			CR.
For the following stocks transferred to him by a decree of the high court of chancery, and sold as follows, viz:			By commission paid for various services, as per account No. 1 herewith .....	£ s. d. 797 15 6
£ s. d. 4,535 18 9 3 per cent consols, sold at 94½ .....	£ s. d. 4,297 16 0		By charges paid on 14 packages shipped on board the Mediator, as per account No. 2 herewith .....	6 19 4
Transfer.... 0 5 0		£ s. d. 4,291 17 6	By amount of invoice of specie shipped on board the Mediator, as per copy herewith .....	105,565 12 5
Brokerage.. 5 13 6	5 18 6			
60,000 0 0 3 per cent consols, sold at 95½ ex. dividend .....	56,175 0 0			
12,000 0 0 3 per cent reduced, at 94 .....	11,280 0 0			
Transfer..... 2 0 0	67,455 0 0			
Brokerage... 90 0 0	92 0 0	67,363 0 0		
5,000 0 0 bank stock, sold at 204½ ....	10,237 10 0			
3,000 0 0 bank stock, sold at 204½ ....	6,146 5 0			
5,000 0 0 bank stock, sold at 205 .....	10,250 0 0			
3,100 0 0 bank stock, sold at 205½ ....	6,382 15 0			
10,100 0 0	32,996 10 0			
Stamps for transfer..... 1 16 0		32,974 4 0		
Transfer fees ... 7 6		725 3 7		
Brokerage..... 20 2 6	22 6 0	116 2 2		
To balance of cash received from the accountant-general of the court of chancery .....		900 0 0		
To amount returned by the solicitors (excess of costs) .....		106,370 7 3		
To amount of dividend received on £60,000 3 per cent consols .....				

Schedule of the personal effects of James Smithson referred to in the bill of costs.

Large trunk.	Hone in a mahogany case.
Box containing sundry specimens of minerals, marked E.	Plated wire flower basket.
Brass instrument.	Plated coffeepot.
Box of minerals, marked F.	Plated small one.
Box of chemical glasses, marked G.	Pair of wine coolers.
Packet of minerals, marked H.	Pair small candlesticks.
Glass vinegar cruet.	Two pairs of saltcellars.
Stone mortar.	Breadbasket.
Pair of silver-plated candlesticks and branches.	Two pair of vegetable dishes and covers.
Pair of silver-plated candlesticks, no branches.	Large round waiter.
	Large oval waiter; two small waiters.
	Two plate warmers.
	Reading shade.

## SUNDRY ARTICLES IN PACKET AND IN TRUNK.

- (a) Gun.
- (a) Mahogany cabinet.
- (a) Two portraits, in oval frames.

## CHINA TEA SERVICE.

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>(a) Twelve cups and saucers.</li> <li>(a) Six coffee cups.</li> <li>(a) Teapot.</li> <li>(a) Slop basin.</li> <li>(a) Sugar basin and lid.</li> <li>(a) Two plates.</li> <li>(a) Milk jug.</li> <li>(a) Tea canister.</li> </ul> | <ul style="list-style-type: none"> <li>(a) Two dishes.</li> <li>(a) Landscape in a gilt frame.</li> <li>(a) Derby spa vase.</li> <li>(a) China tub.</li> <li>(a) Piece of fluor.</li> <li>(a) Pair of glass candlesticks.</li> <li>Marble bust.</li> </ul> |
|---|--|

## BOOKS.

Sundry pamphlets on philosophical subjects, in packet marked A.

The like, marked B.

Struggles Through Life.

Bibliotheca Parisiana.

La Platina l'Or Blanc.

Contorides des Indiens.

Sundry pamphlets on philosophical subjects, marked C.

Weld's Travels in North America, 2 volumes.

Bray's Derbyshire.

Twenty-three numbers of Nicholson's Journal of Natural Philosophy, in a case (D).

Memoire d'un Voyageur qui le répose.

Hamilton in Antrim.

Londres et de ses Environs.

Stew on Solids.

Essais de Jean Key.

Mon Bonnet de Nuit.

Domestic Cookery.

Catalogue de Fossils des Roches.

The Monthly Review, 78 numbers.

The Monthly Review, 26 volumes.

Philosophical Transactions for the year 1826.

Anthologies et Fragments Philosophiques, 4 volumes.

Two large boxes filled with specimens of minerals and manuscript treatises, apparently in the testator's handwriting, on various philosophical subjects, particularly chemistry and mineralogy.

Eight cases and one trunk filled with the like.

Those articles to which this mark (a) is prefixed were not in the trunk No. 13 when it was first opened in the consulate of the United States in our presence.

All the linen in trunk No. 13 was transferred from case 7, and sundry articles of plated ware and philosophical instruments, etc., were transferred from case 12. Sundry books, which were tied together, were also put in this case.

*Richard Rush to John Forsyth.*HARBOR OF NEW YORK, *August 28, 1838.*

SIR: I have the honor to report to you my arrival here in the ship *Mediator*, with the amount in gold of the Smithsonian bequest recovered for the United States.

The expenses of every kind incurred by closing the business in London and shipping the gold were paid there; but I have still to pay freight here and primage, and also some other small charges incurred on bringing over the Smithsonian boxes and trunks heretofore mentioned. When everything is fully paid, there will be left in my hands, as well as I can now compute the amount, upward of £104,500; the whole is in sovereigns packed in boxes.

The money being consigned to no one here, I must continue to hold it in my custody until I can receive your instructions to whom to deliver it, as provided for by the act of Congress of the 1st of July, 1836.

I have the honor to remain, in the meantime, your most faithful and obedient servant,

RICHARD RUSH.

Hon. JOHN FORSYTH,  
*Secretary of State.*

*Richard Rush to John Forsyth.*NEW YORK, *August 29, 1838.*

SIR: On landing from the ship yesterday morning I received the official letter of the Secretary of the Treasury, dated the 20th of July, which had been waiting my arrival here, instructing me to transfer the Smithsonian fund to Philadelphia, to be deposited with the treasurer of the mint to the credit of the Treasurer of the United States, taking duplicate receipts from the former, one of which to be transmitted to the latter.

The ship has not yet got into the dock, but the gold shall be sent on to Philadelphia as soon as practicable in the eleven boxes in which it was packed at the Bank of England, according to the instructions I have thus received from the Secretary of the Treasury.

I have the honor to remain, with great respect, your obedient servant,  
RICHARD RUSH.

Hon. JOHN FORSYTH,  
*Secretary of State.*

*John Forsyth to Richard Rush.*DEPARTMENT OF STATE,  
WASHINGTON, *August 30, 1838.*

SIR: I have the honor to acknowledge the receipt of your dispatch No. 30 of the 28th instant, announcing your arrival in the harbor of

100

New York with the Smithsonian bequest in gold. With regard to the disposition to be made by you of these funds, you no doubt will have learned upon landing that your request had been anticipated by instructions to you from the Treasury Department, intrusted to the care of Mr. George Newbold, president of the Bank of America.

Tendering to you my congratulations on the success of your mission, and on your safe return to your country, I am, sir, respectfully, your obedient servant,

JOHN FORSYTH.

RICHARD RUSH, Esq., *New York.*

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*Richard Rush to John Forsyth.*

PHILADELPHIA, *September 4, 1838.*

SIR: I was yesterday honored with your letter of the 30th of August, acknowledging my No. 30 from the harbor of New York, and tender my thanks for your kind congratulations on my return to my own country and on the success of the public business confided to me. Your letter went on to New York, as directed, but was returned, and I received it at my home near the city.

My No. 31, written after I had landed, will have informed you that I had then received the instructions of the Secretary of the Treasury to which your letter refers, and I have since been in correspondence with him. Owing to the delay in getting the ship into the dock, I was not able to leave New York with the gold until the first of this month, when I arrived with it, accompanied by two agents from the Bank of America, that institution having, at the request of the Secretary of the Treasury, obligingly afforded me every facility in its power towards the business I had in hand. I did not, however, feel at liberty to withdraw my own personal superintendence from the operation of transferring the gold until I saw it deposited at the mint. Thither I immediately had it conveyed on reaching this city on the 1st instant, the director and treasurer of the mint having been in readiness to receive it under the previous information of its intended transfer, which I had requested the bank to transmit. The entire sum contained in the eleven boxes which I delivered to those two officers of the mint on Saturday was £104,960 8s. 6d.—the whole in English sovereigns, except the change; and I have now the satisfaction of informing you that official receipts of this amount from my hands have been forwarded to the Treasury Department.

The excess of this sum over that which I had computed in my No. 30 as the probable amount to be left in my hands, arises from the president of the bank having undertaken, at my suggestion, to pay the freight and other shipping charges due at New York; the bank to be

repaid by the Treasury. The freight was three-eighths of one per cent—this being the usual charge in the packet-ships—and came to £393 12s. Primage was £19 13s. 8d.; and the charges on bringing the Smithsonian boxes (left in the custody of the collector, from whom I had every facility on landing) were to have been £3 8s. 5d. or thereabouts.<sup>1</sup>

It seemed to me that it would be best for the bank to pay all these charges, as the most convenient mode of settling without delay with the shipowners, to whom I had become responsible by my engagements with the captain in London; and I have the hope that this course will meet the approbation of the Secretary of the Treasury and yourself. It left the gold, as secured in boxes at the Bank of England, untouched at New York; and I had caused the seal of our consul at London to be affixed to each of them.

Somewhat worn down by fatigue since coming on shore, after an uncomfortable voyage of squalls, gales, and head winds, I venture to ask a little repose at my home, before proceeding to Washington, for the purpose of making out and rendering to you an account of all expenses that have attended the final recovery of this fund, of which the United States, by the information I give you in this letter, are now in possession. In the course of the next week I shall hope to proceed to Washington with the view stated, and in order that, my account of the expenses being found satisfactory, which I presume to hope will be the case, I may ask to be discharged from all further responsibility under the trust I have been performing. The net amount, in dollars, of the fund as I delivered it over to the United States at the mint, was found to be \$508,318.46, as specified in the receipt given to me for it by the treasurer of the mint.

I have the honor to remain, with great respect, your obedient servant,  
 RICHARD RUSH.

Hon. JOHN FORSYTH,  
*Secretary of State.*

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*Richard Rush to John Forsyth.*

PHILADELPHIA, *September 11, 1838.*

SIR: I yesterday received a letter from the Secretary of the Treasury, dated the 7th instant, stating it to be desirable that the expenses attending the transfer of the Smithsonian fund to this country and its deposit at the mint should be ascertained as early as practicable, that the accounts in relation to it may be adjusted with a view to the

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<sup>1</sup> There proved to be fourteen of these boxes, the additional one containing a picture, of which I had not heard at the date of my No. 28.

investment of the balance, and asking my attention to the subject at my earliest convenience.

In reply, I had the honor to inform the Secretary that I could not make out a statement of the expenses as far as then incurred before embarking at London with the gold, the documents relating to them not being obtainable until the last moments of my stay; besides that, the whole operations of selling the stock in the English funds, in which Mr. Smithson's fortune was invested, and afterwards shipping the gold, required and had my constant supervision until I saw the latter finally deposited at our mint, in fulfillment of his instructions; that, having suffered greatly from sea sickness during the voyage, added to fatigue after landing in a weak state at New York, where the care of the gold still required my personal superintendence, I had been unable hitherto to prepare a statement of the expenses in question, but that I was now regaining strength and intended to set out for Washington on Saturday, at farthest, if then able, as at present I had reason to hope would be the case. I added that I supposed a settlement of my account could be effected more satisfactorily and promptly by my presence with the accounting officers at Washington than by any attempt to make it out here and transmit it by letter, which, it may be, might lead to writing backwards and forwards before a final adjustment took place; of which correspondence I have the honor to inform you, and to remain, with great respect, your obedient servant,

RICHARD RUSH.

Hon. JOHN FORSYTH,  
*Secretary of State.*

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*Richard Rush to John Forsyth.*

WASHINGTON, *September 15, 1838.*

SIR: I am now to give you a statement of all the expenses that attended the recovery of the Smithsonian bequest for the United States.

It may be in order first to mention the whole amount of stock and money that came into my hands from the court of chancery, or otherwise.

I received of English Government stock £64,535 18s. 9d. in consols, £12,000 in reduced 3 per cent annuities, and £16,100 in bank stock of the Bank of England, as heretofore mentioned in my No. 26, and will now be seen by the original order or decree of the court, which I inclose (marked A). This document I could not obtain until the 11th of July, when I received it with the letter of the solicitors of that date, also inclosed (marked B).

On the 11th of June I received from the accountant-general of the court of chancery £725 3s. 7d. This was the sum remaining to be paid to me, after previous payments to others out of cash in hand appertaining to the Smithsonian fund whilst in the custody of the court, as will be seen in the concluding part of the decree. That this was the exact residue coming to me will be further seen by an explanatory letter from the solicitors of the 5th of July, also inclosed (marked C), and more authoritatively by a document (marked D) from the books of the accountant-general of the court, sent to me by the solicitors with their letter of the 11th of July. This document, besides verifying in its own forms the amount of stock and money I have otherwise stated myself to have received, also verifies the statements in my Nos. 26 and 28 as to the sums awarded to Madame de la Batut, the arrears to John Fitall, and the money decreed as warehouse rent for the boxes containing the personal effects of Mr. Smithson, which I brought over and delivered into the custody of the collector at New York. It is a document founded on the decree of the court itself, and shows in more detail how its judgments were fulfilled.

I received on the 12th of July £900 at the Bank of England, being the dividend due on the consols I had sold, as mentioned in my No. 29; and, lastly, I received from the solicitors £116 2s. 2d., being money returned by them out of what I had paid them for costs on the 8th day of April, 1837, viz, £200 4s., as reported in my No. 14. The following is the explanation of this item: When I paid them this sum, I fully expected to pay all further costs out of the same fund, then in my hands, that Congress had appropriated for that purpose; but it appears that, on the termination of the suit in favor of the United States, the costs of all parties were paid out of the corpus of the fund; nor would the court award the fund to the United States, as may be seen by the decree, until all costs were accordingly first taken out of it, which the court judged it proper the fund itself should bear. I knew not of such a rule which the solicitors advert to in their letter of July the 5th, until a short time before the decree was pronounced. The total amount of their costs, as made known to me in the same letter, and set out in detail in a voluminous bill, which I inclose (marked E), and to which I caused their affidavits to be annexed, was £490 4s. 10d. The court adjudged £406 3s. of this sum to be paid to them out of the fund, as their taxed costs, which, added to what I had previously paid them, made £606 7s. The difference between this and £490 4s. 10d. being £116 2s. 2d., they refunded the latter sum to me. Their total bill (considering that it included all fees paid by them under my direction to the counsel, and all costs and charges of every description from the beginning to the end of the suit, with some small extra charges, to which their letter refers, which I also authorized, to insure a speedy and successful termination of the suit), and considering the magnitude

of the suit, was, in my judgment, and in that of others better informed, to whom I submitted its amount, extremely moderate. I hope it will be thought to show care on my part to keep all those charges low, that often are run up to amounts so enormous in English chancery proceedings; and, let me add, as in justice I am bound to do, to show more strongly that the solicitors I had to deal with were honorable and just men.

I did not consider these refunded costs as belonging to the legacy fund recovered, but I threw them into it when the general gold was obtained that all might be safely kept together and come under one insurance.

The gross amount yielded by all the stock I sold, including the £900 I received as the dividend on the consols, was £105,649 6s.

For the prices at which I sold the different parcels and kinds I beg to refer to my Nos. 27 and 28, which detail the commencement, progress, and conclusion of the sales. This sum, added to the £725 3s. 7d. received from the accountant-general of the court of chancery and the £116 2s. 2d. returned to me by the solicitors, will show that the entire sum that came into my hands was £106,490 11s. 9d.

I am next to inform you of the expenses that attended the sales of the stock and shipping and bringing over the gold to this country.

After I had finally recovered the legacy from the court of chancery it did not seem to me prudent that I should, by myself alone, undertake the sales of the stock awarded and delivered to me by its decree any more than the shipment of the gold into which the money was afterwards to be converted, these ulterior operations being usually conducted through mercantile agencies and being of a nature not to be advantageously, if safely, conducted without them. Feeling inadequate in my own person merely to the management of such operations, my first intention was that the sales of the stock, as a highly important part of them, should be put under the direction of some experienced mercantile or banking house in London familiar with the modes of doing business on its great stock exchange and self-confident in the measures to be taken. But I found that to put this operation into such hands would incur a commission of 1 per cent on the entire fund, as mentioned in my No. 27, in addition to brokerage and other charges, such as the expenses on transfers and stamps; besides that, I should have had to part with the possession of the stock to such mercantile or banking house whilst the sales were going on. I was also given to understand that this latter step would probably lay a foundation for a further mercantile commission on receiving and paying.

Weighing all these circumstances, I came to the conclusion to keep the operation of selling the stock in my own hands. Nevertheless, I felt, as already intimated, that I could conduct it with neither skill nor safety unless under the counsel and cooperation of a person well

informed in these matters and trustworthy. To the consul of the United States in London I applied as to such a person, and received from him, as my No. 27 informed you, this aid and cooperation in the fullest and most efficient manner, daily, throughout the months of June and July, until all the sales were effected; and effected, I may be allowed to add, with favorable results not to have been surpassed, as I have already reported to you, and as the public records of the London stock market on each of the days that I sold will attest. Into his hands I also put the other mercantile business necessary to the shipment of the gold. These included the obtaining, verifying, arranging, packing, and securing it for shipment, contracting for freight, entering and clearing at the custom-house, effecting insurance (which was done at five principal offices and with thirty-two private underwriters), and, finally, shipping the gold. For these services, of whatever kind (and I had many incidental ones from him not here enumerated), I allowed and paid him a commission of three-fourths of one per cent, which amounted to £797 15s. 6d.

I speak from good information when expressing a belief that an equal amount of assistance and services to me, under all the heads rendered, could not have been commanded through the usual agency of banking and commercial houses on so heavy and responsible a moneyed operation at a less charge to the fund than a commission of from two to two and a half per cent on the whole amount of it; and that this falls below rather than goes beyond what it might be expected to have been.

I inclose the consul's account, signed T. Aspinwall, together with his voucher for a charge of £6 19s. 4d. for expenses paid by him on shipping the fourteen Smithsonian boxes.

The premium for insurance was one-half of one per cent, and amounted, with the expense of stamps and policies, to £599 3s. 4d. The statement of this, as paid for me by the consul, will be seen in the inclosure (marked Invoice), on which are also certain items, as dock charges, charges for bills of lading, and some other things, amounting in all to £6 6d., accompanied by vouchers. I also inclose the policies of insurance.<sup>1</sup> The insurance covered all commissions and charges paid in London, so as to have made the United States entirely whole in case of loss. This I directed, thinking it most prudent.

The expenses on selling the stock, viz, brokerage, charges on the transfers, and charges for stamps, were £120 4s. 6d. These will be seen in my account, marked among the inclosures R. R.

The several expenses above enumerated, viz:

(1) The consul's commission of £797 15s. 6d., and charges £6 19s. 4d.;

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<sup>1</sup>It has been deemed unnecessary, at the Department of State, to communicate copies of the several policies of insurance above referred to.

(2) The premium of insurance, stamps, and policies, viz, £599 3s. 4d., with the charges £6 6d.; and

(3) The expense of selling the stock (£120 4s. 6d.), deducted from the gross amount of moneys that came into my hands (£106,490 11s. 9d.), will leave £104,960 8s. 7d., which was the precise sum in gold I brought over in the eleven boxes and, under instructions from the Secretary of the Treasury, deposited at the mint in Philadelphia on the 1st instant to the credit of the Treasurer of the United States.

The foregoing is the statement I have to make of the expenses. I presume to hope that they will not be thought objectionable, but, on the contrary, moderate under all the heads. If I have been somewhat minute in explaining them it is for the better understanding of the different accounts and documents inclosed, trusting that this will be my excuse when about to surrender up a trust where so much pecuniary responsibility has devolved upon me.

In regard to the fourteen boxes containing the personal effects of Mr. Smithson, it will be perceived that the letter of the solicitors of the 5th July mentions that they had sent me a list of them. They did so, and I inclose it (marked F). It is proper to remark that this list refers to but one of the boxes, or rather to a trunk, as their letter specifies, and it proved to be erroneous. I preferred that all these boxes and the trunk should be first opened at the consulate, in presence of the consul and others who might aid me in ascertaining their contents. When the trunk was opened several of the articles down upon the list were not in it. I mentioned this to the solicitors, and it produced the explanatory letter from them of the 13th of July, which I inclose (marked G). All the rest of the boxes were filled with things of little intrinsic value, as far as a mere superficial inspection of them, pressed upon me on the eve of my embarkation, could determine. They seemed to be chiefly old books, pamphlets, manuscripts, and some philosophical or chemical instruments. Of the whole contents (such as they were) all were left as we found them, except to have been repacked with the aid of the consul and his assistants and put in a better state for crossing the sea than they were when delivered to me. When first opened it was evident that time, mold, and careless packing in the first instance had nearly destroyed many of the articles.

The freight payable on the gold was not paid in London, not being due until the arrival of the ship at New York; but the consul agreed with the captain for three-eighths of one per cent, which brought the amount to £393 12s. Primage was £19 13s. 8d., and the freight and primage on the fourteen Smithsonian boxes was to have been £3 8s. 5d. These several charges I was necessarily obliged to assume for the United States, and engaged to pay them when the ship got to New York. On arriving there I received the instructions of the Secretary of the Treasury of the 20th of July, directing me to transfer the gold to the

mint at Philadelphia as soon as practicable; it being added that the president of the Bank of America at New York had been requested to render me any facilities in his power. The captain of the ship being content to take the bank as payment for these last-mentioned charges, I thought I should best consult the spirit of the Secretary's instructions by leaving the bank to pay them, which its president expressed an immediate readiness to do. I supposed it could make no difference to the Government in the end, whilst it saved the necessity of opening one of the boxes of the gold at New York, out of which fund alone I could have made the payment if demanded of me under the engagement I had contracted. The bank may have further charges to make for its aid to me otherwise in removing the gold to the mint, but I know nothing of them in detail.

Referring therefore to that part of the Secretary's letter to me of the 7th instant, which I mentioned in my No. 33, asking a statement of expenses attending the transportation of the gold after its actual shipment at London, and its transfer to the mint at Philadelphia after its arrival at New York, I beg to offer the above explanation, having paid nothing myself.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

Hon. JOHN FORSYTH,  
*Secretary of State.*

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*John Forsyth to Levi Woodbury.*

DEPARTMENT OF STATE,  
*Washington, September 18, 1838.*

SIR: I have the honor to transmit herewith two letters from Mr. Richard Rush, Nos. 34 and 35, with the papers which accompanied them, in relation to the amount recovered of the Smithsonian legacy, and the expenses attending the recovery and the transmission of the proceeds to this country.

I am, sir, your obedient servant,

JOHN FORSYTH.

Hon. LEVI WOODBURY,  
*Secretary of the Treasury.*

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*Edward Stubbs to Stephen Pleasanton.*

DEPARTMENT OF STATE,  
*Washington, September 24, 1838.*

SIR: I am directed to transmit to you, for settlement, the inclosed account of Mr. Richard Rush, and a letter from him (No. 36) accom-

panying it. The balance which may be found due to Mr. Rush he wishes to have remitted to him. The compensation and allowance for expenses are to be up to the period charged in the account (the 20th instant).

It is presumed that the amount repaid to Mr. Rush by the solicitors in London, mentioned in his letter (£116 2s. 2d.), which was paid into the Treasury, together with the avails of the Smithsonian legacy, will be brought to the credit of the appropriation from which it was originally taken, and thus form a fund from which the balance due to Mr. Rush can be paid. The papers explanatory of this circumstance have been transmitted, together with the account of the legacy, to the Treasury Department.

I am, sir, your obedient servant,

EDWARD STUBBS, *Agent.*

STEPHEN PLEASANTON, Esq., *Fifth Auditor.*

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*Levi Woodbury to the President.*

TREASURY DEPARTMENT,

*December 3, 1838.*

SIR: I have the honor to report to you that, under the act of Congress approved July 1, 1836, in relation to the legacy bequeathed to the United States by James Smithson, the sum of \$508,318.46 has been received and paid into the Treasury of the United States.

In compliance with the provisions of the sixth section of the act of Congress for the support of the Military Academy of the United States and for other purposes, approved July 7, 1838, the sum of \$499,500 has been expended in the purchase of 500 bonds of the State of Arkansas for \$1,000 each, bearing 6 per cent interest, payable semiannually on the first days of January and July in each year from the 4th day of September last (the period of their purchase). The further sum of \$8,270.67 has been applied to the purchase of 8 bonds of the State of Michigan, bearing 6 per cent interest, payable semiannually hereafter on the first Mondays in January and July from the 1st of May last. The interest on all these bonds is payable at the city of New York.

There is still left in the Treasury the sum of \$547.79 which has not yet been invested, but will be as soon as a favorable opportunity offers.

The amount received in London by the agent of the United States under the decree of the court of chancery of England was the gross sum of £106,490 11s. 9d., including the sum of £116 2s. 2d. for costs refunded. This was reduced by the payment of commissions, insurances, etc., to the sum of £104,960 8s. 9d., which was brought into the United States in gold and produced at the Mint the sum of \$508,318.46 before mentioned.

This Department, having doubts as to what constituted the amount of the Smithsonian fund, consulted the Attorney-General, and he has given his opinion (hereto annexed, A) that the proper construction to be given to the legislation of Congress on this subject requires that the gross amount of the payment made to the agent of the United States, after deducting the costs refunded as before stated, shall constitute the fund, "and all expenses of whatever kind or nature should be paid out of the appropriation made by Congress." That appropriation, however, not being sufficient, an estimate will accordingly be submitted to the House of Representatives to enable the Department to comply with the acts of Congress referred to, in accordance with the construction thus given to them by the Attorney-General.

The estimate to be submitted is for \$10,000. Of this the sum of \$128.24 will be required to make good a deficiency in the former appropriation. The sum of \$6,848.12 will be required to be added to the fund, on the principles laid down by the Attorney-General. This sum is estimated on the same ratio as upon the amount produced in the United States on the remittance which has been received. The balance, \$3,023.64, will be required to pay the freight, etc., of the remittance, amounting to \$2,235.63, and such expenses as may be incurred in disposing of the personal effects of Mr. Smithson, which have been brought to the United States, for the sale of which I would suggest that provision should be made by Congress.

This report is submitted to you in compliance with the resolution of the House of Representatives, which you referred to this Department for the necessary information that its archives would furnish in relation to the call thus made upon you.

Respectfully submitted.

LEVI WOODBURY,  
*Secretary of the Treasury.*

The PRESIDENT OF THE UNITED STATES.

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A.

*Felix Grundy to Levi Woodbury.*

ATTORNEY-GENERAL'S OFFICE, *November 16, 1838.*

SIR: I have the honor to acknowledge the receipt of yours of the 11th of October last, requesting my opinion upon various points in relation to the Smithsonian legacy. A separate answer to each of your inquiries is deemed unnecessary, as the opinion I entertain, and am about to express in general terms, will be found to cover most of them.

James Smithson, of London, on the 23d of October, 1826, executed his last will and testament, by which, upon the happening of certain contingencies, he bequeathed to the United States of America all his property, to found at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion

of knowledge among men. The Congress of the United States, by an act passed 1st of July, 1836, accepted the bequest, and directed the President to appoint an agent to assert and prosecute the claim, and by said act pledged the faith of the United States to apply the moneys and other funds which might be received to carry into effect the provisions of said will; and, by the fourth section of said act, it is provided, "that to the end that the claim to said bequest may be prosecuted with effect, and the necessary expenses in prosecuting the same be defrayed, the President of the United States be, and he is hereby, authorized to apply to that purpose any sum not exceeding \$10,000," etc.

From these provisions it appears to me that Congress intended that there should be no diminution of the funds bequeathed for the purpose specified in said will, but that the whole, whatever they might amount to, should be applied to carry into effect the intention of the testator; and when the object of the bequest is considered, it can not be supposed that Congress would act in any other than a liberal spirit.

My opinion, therefore, is that the amount of the whole money and other funds received by the agent of the United States, under the act of July 1, 1836, without reduction, constitute the Smithsonian fund, for the purposes specified in said Smithson's will; and that the whole expenses of prosecuting said claim, receiving, and transporting the same to this country, including any additional expenses which may have been incurred here, ought to be defrayed out of the appropriation made by Congress.

It appears that cash and stocks, which, when converted into money, amounted to £106,490 11s. 9d., were decreed to the United States, as the amount of the legacy and bequest in said will. This sum, after deducting £116 2s. 2d., the amount of costs refunded, is the amount which should be paid to the Treasurer of the United States, to be kept and disposed of according to the provisions of the act of July 1, 1836, and the sixth section of the act of July 7, 1838; and all expenses, of whatever kind or nature, should be paid out of the appropriation made by Congress.

In relation to the disposition of the other personal effects of Mr. Smithson, which have been transferred to this country by the agent of the United States, my opinion is that Congress should direct the disposition of them.

I have the honor to be, sir, your obedient servant,

FELIX GRUNDY.

Hon. LEVI WOODBURY,  
*Secretary of the Treasury.*

## RESIDUARY BEQUEST OF JAMES SMITHSON.

*From Report of the Secretary for the year 1861.*

Information has been received from London of the death, at an advanced age, of Madame de la Batut, the mother of the nephew of James Smithson, to whom an annuity was conceded as a compromise by the Hon. Richard Rush, with a view to the more expeditious realization of the Smithsonian legacy. The principal of this annuity, amounting to £5,015 (about \$25,000), will now be added to the bequest of Smithson, of which it originally formed a part.

*From Proceedings of the Board of Regents, May 1, 1862.*

The Secretary gave an account of the circumstances connected with the money left in England by Hon. Richard Rush, as principal of an annuity to the mother of the nephew of Smithson, and presented the following communications from Fladgate, Clarke & Finch, of London:

40 CRAVEN STREET, STRAND,  
London, W. C., May 16, 1861.

SIR: We had the honor, in the year 1838, of acting professionally for the President of the United States in the suit in the English court of chancery, under which the funds for the foundation of the Institution (of which we address you as manager) were decreed to be paid over to him for the purpose of establishing the Institution. We have now to make to you, as the manager thereof, the following communication:

On referring to the papers connected with the Institution you will find that a sum of £5,015 three per cent consols, part of the estate of Smithson, the founder, were retained in the court of chancery to answer a claim of one Madame de la Batut. That person was, in fact, entitled to a life interest in the fund, and at her death it was to revert to the President as an additional fund for the purposes of the Institution.

Madame de la Batut is now dead, so that the fund has become transferable to the President, and it will be requisite for him, or some person duly authorized by him, to take the necessary steps to obtain a transfer.

We have had some communication with the solicitor of the lady's family, who writes as follows:

"My client, Mr. La Batut, upon taking out administration to his late mother, Madame La Batut, to whom Lieut. Col. Henry Lewis Dickinson, by his will dated 17th July, 1819, gave half of the income of his property for her life, will be entitled to an apportioned part of such income from the last payment, on the 22d March, 1858, to 10th September, in the same year, which would amount to about £70.

"The property originally consisted of French 5 per cent rentes, payable 22d March and 22d September, but by order of the court a sum of £5,015 three per cent consols was invested in the name of the accountant-general in this suit, to the separate

account of Mary Ann de la Batut, the annuitant, to meet the payments of the life income. By the law of France, the life income is apportionable and payable up to the time of death, and Lieutenant-Colonel Dickinson having been domiciled in France at the time of his death, that law will apply to this case.

"Will you be good enough, under these circumstances, to obtain the consent of your client in presenting a petition as to the £5,015 and the arrears of dividends due thereon, to ask for the payment to my client of the apportioned sum out of such arrears, without obliging him to go to the expense of proving the law of France upon this subject? I will hand you the necessary proof of death, the expense of which can be included in the necessary costs of the application."

We should recommend that the request contained in this letter be complied with.

We have the honor to be, sir, your most obedient servants,

FLADGATE, CLARKE & FINCH.

The SMITHSONIAN INSTITUTION,

*Washington, United States.*

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40 CRAVEN STREET, STRAND,

*London, W. C., October 26, 1861.*

SIR: Your letter of the 14th August reached us in the long vacation which has just terminated, and we hasten to reply to it.

All that will be requisite to be done in the first instance is that we should have the authority of the President of the United States to present a petition for an order to have the fund paid to him. On our obtaining this order, a power of attorney will be sent out to the President authorizing some person here to receive from the court of chancery, and transmit to him, or to the managers of the Smithsonian Institution, the fund in question.

Having in the suit had the honor of acting for the President, it might be within our functions to present the petition even without an express authority, but we did not deem it right to do so without some communication with the President or with the managers of the Institution.

Of course, although the order might be obtained without, the fund can only be dealt with on the signature of the President.

We have the honor to be, sir, your very obedient servants,

FLADGATE, CLARKE & FINCH.

JOSEPH HENRY, Esq.,

*Smithsonian Institution, Washington.*

On motion of Mr. Trumbull, it was

*Resolved*, That the Secretary and executive committee consult with the President of the United States and take such action as may be necessary for obtaining the money referred to in the communication from the solicitors in London.

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*From Report of the Secretary for the year 1862.*

A power of attorney has been forwarded from the President of the United States to Messrs. Fladgate, Clarke & Finch, of London, authorizing them to collect the remainder of the Smithsonian fund, which was left by the Hon. Mr. Rush as the principal of an annuity to the

mother of the nephew of Smithson. The power of attorney was forwarded to the care of Hon. Charles F. Adams, American minister to England, and the money, when collected, will be deposited with George Peabody & Co., bankers, London, subject to the order of the Institution.

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*From Report of the Secretary for the year 1863.*

A part of the original bequest, amounting to £5,015, was left by Mr. Rush in England as the principal of an annuity to be paid to the mother of the nephew of Smithson. The annuitant having died, a power of attorney was sent, in November, 1862, to Messrs. Fladgate, Clarke & Finch to collect the money; but it has not yet been received. Although the whole legacy was awarded to Mr. Rush in behalf of the United States, after an amicable suit in chancery, various objections have been raised to allowing the small remainder to be sent to this country. These objections appear to be principally of a technical character and are scarcely compatible with an equitable interpretation of the facts of the case. There should be no prejudice in England in regard to the construction placed upon the terms of the bequest and the policy which has been adopted, since 169 institutions in Great Britain and Ireland are recipients of the Smithsonian publications and specimens of natural history, and have enjoyed the advantages of its system of international exchange.

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*From Proceedings of the Board of Regents, January 25, 1864.*

The Secretary called attention to the unexpected delays and embarrassments which had occurred in obtaining the remainder of the original bequest of Smithson left in England as the principal of an annuity to the mother of the nephew of Smithson, and read the correspondence on the subject with the attorneys, and also a letter from Hon. C. F. Adams, the American minister to England.

On motion it was

*Resolved*, That a committee be appointed, consisting of the Secretary, Mr. Henry Winter Davis, and Professor Bache, to confer with the Secretary of State and the British minister relative to the action of the English authorities in regard to the money due the Smithsonian Institution.

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*From Report of the Secretary for the year 1864.*

It was mentioned in the last report that a part of the original bequest, amounting to £5,015, was left by Mr. Rush in England as the principal to secure an annuity payable to the mother of Smithson's nephew. The annuitant having died, a power of attorney was sent in November, 1863, to Messrs. Fladgate, Clarke & Finch (the same firm

originally employed by Mr. Rush) to collect the money. After a considerable delay, arising principally from technical difficulties, the money was obtained and deposited to the order of the Institution, with George Peabody & Co., bankers, London. It was subsequently drawn through the agency of the Secretary of the Treasury, and, in accordance with the law of Congress directing that the money of the Smithsonian bequest should be invested in United States securities, it was expended in the purchase of Government bonds, bearing interest at the rate of 7.3 per cent. The amount realized in bonds of this denomination at par was \$54,150. It was at first supposed that this money, or at least the interest upon it, could immediately be applied to the uses of the Institution, but from a critical examination of the enactments of Congress in reference to the Smithsonian fund, it was found that the appropriation of the bequest by the act organizing the establishment in 1846, related only to that part of the bequest which had already been received, and made no provision for the disposition of the residuary legacy which has just become available. It can scarcely be doubted, however, but that Congress intended to appropriate the whole of the bequest to the maintenance of the establishment. Still, for this purpose, a special act will be required, and it is desirable that the sum recently received be deposited in the Treasury on the same condition with the amount originally obtained—that the interest alone shall be subject to expenditure. In this connection it is proper to remark that Mr. Peabody, who received the deposit of the fund, so far from claiming the usual commission allowed 4 per cent on the money while it remained in his hands.

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*From Proceedings of the Board of Regents, February 2, 1865.*

Professor Henry presented the question as to the disposition of the residuary legacy of Smithson which had been received from England, and was now on deposit with the Treasurer of the United States.

On motion of Hon. J. W. Patterson, it was

*Resolved*, That the Secretary be instructed to invest the money now on deposit with the Treasurer of the United States derived from the residuary legacy of James Smithson in United States bonds bearing 7.3 per cent interest.

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*From Report of the Secretary for the year 1865.*

It has been mentioned in the two preceding reports that a part of the original bequest had been left in England as the principal of an annuity payable to the mother of Smithson's nephew. The annuitant having died, a power of attorney signed by Abraham Lincoln, President of the United States, was sent to Fladgate, Clarke & Finch, solici-

tors in England, authorizing them to collect the money and pay it to the order of the Secretary of the Smithsonian Institution. The proceeds from this, deducting the expenses of collection, were £5,262 3d., which were temporarily deposited with George Peabody & Co., who not only transacted the business without charge, but allowed 4 per cent interest on the money while it remained in their hands. The total amount of this residuary legacy received by the Institution, including the interest, £153 19s. 4d., was \$26,210.63 in gold, which being sold at the current premium (about 107), yielded \$54,165.38 in United States currency. This sum was invested in Government bonds bearing interest at 7.3 per cent, and deposited for safe-keeping with General Spinner, the Treasurer of the United States.

*From Report of the Executive Committee for the year 1865.*

It appears from the statement of the Secretary and the accounts rendered by Riggs & Co., bankers of the Institution, that the remainder of the legacy of Smithson, which amounted to \$26,210.63 in gold, was sold at a premium from 105 to 107½ per cent, yielding, after deducting the cost of sale and United States tax, \$54,165.38. This amount was expended in the purchase of United States bonds bearing 7.3 per cent interest at par.

The following is a detailed statement of the whole transaction:

1864.

June 11. The amount received from Fladgate, Clarke & Finch, attorneys, London, as the residuary legacy of James Smithson,	£	s.	d.
was .....	5,262	0	3
This amount was deposited with George Peabody & Co., bankers, London, who allowed interest on it to the 5th of March, 1865.....	153	19	4
	<hr/>		
	5,415	19	7

This amount was equivalent to \$26,210.63 in gold, which was sold by Riggs & Co., under the direction of the Secretary of the Institution, as follows:

\$10,000.00 at 207½.....	\$20,725.00
15,000.00 at 206½.....	31,031.25
1,000.00 at 207.....	2,070.00
210.63 at 205.....	431.79
<hr/>	
26,210.63	54,258.04
Less brokerage, one-fourth .....	\$65.53
Less United States tax, one-twentieth .....	27.13
	<hr/>
	92.66
<hr/>	
Net amount realized from sale of gold.....	\$54,165.38
<hr/>	
1865.	
Feb. 17. United States bonds bearing 7.3 per cent interest were purchased at par for .....	54,150.00
<hr/>	
Balance, which could not be invested on account of there being no bonds for less than \$50 .....	15.38

After the Secretary had purchased these bonds and deposited them for safe-keeping with the Treasurer of the United States, it was claimed by the Secretary of the Treasury that this money was *not under the control of the Regents* of the Institution, inasmuch as the original act of Congress of 1846, establishing the Institution, referred to only so much of the bequest of Smithson as was then in the Treasury of the United States, and that a special act of Congress would be required to apply this money, or the interest on it, to the uses of the Institution. The executive committee would therefore recommend that an application be made to Congress for such a disposition of this money.

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*From Proceedings of the Board of Regents, March 24, 1866.*

The subject of the disposition of the money in possession of the Secretary of the Treasury, resulting from the residuary legacy of Smithson, was next considered. The Secretary suggested that so much of this sum as was received from England, independent of the premium on the coin, viz, \$26,210.63, should be added to the amount originally deposited in the Treasury of the United States by Mr. Rush, making \$541,379.63 as the total bequest of Smithson, and that the premium and the interest since accrued be applied to the current uses of the Institution, and to assist in defraying the cost of the restoration of the building. By this arrangement the interesting fact could be stated that, after all the Institution has done in the way of increasing and diffusing knowledge, the entire sum derived from the bequest of Smithson is still undiminished in the Treasury of the United States.

The Chancellor recommended that the sum thus added to the money now in the Treasury of the United States should be sufficient to make up the amount to \$550,000.

On motion of Mr. Wallach, it was

*Resolved*, That the Secretary be directed to apply to Congress for an act by which the residuary legacy of James Smithson, now in the possession of the Secretary of the Treasury, amounting to \$26,210.63, be added to the sum originally received; and that also from the income of the above-mentioned residuary legacy the further sum of \$8,620.37 be added, making the total amount deposited in the Treasury of the United States \$550,000 as the trust fund, the interest on which alone is to be applied to the maintenance and uses of the institution; and further, that the Regents be authorized to apply the remainder of the income of the residuary legacy to the current expenses of the Institution and the reconstruction of the building.

*From Proceedings of the Board of Regents, January 28, 1867.*

On motion of Mr. Wallach, the following resolution was adopted:

*Resolved*, That a committee of three be appointed to present a memorial to Congress in behalf of the Board of Regents, requesting the passage of an act authorizing the Treasurer of the United States to receive into the Treasury, on the same terms as the original bequest, the residuary legacy of James Smithson, now in United States bonds in the hands of said Treasurer, namely, \$26,210.63, together with such other sums as the Regents may from time to time see fit to deposit, not exceeding, with the original bequest, the sum of \$1,000,000; and that the income which has accrued or which may accrue from said residuary legacy be applied in the same manner as the interest on the original bequest.

The Chancellor appointed Mr. Garret Davis, Mr. J. W. Patterson, and Mr. J. A. Garfield as the committee.

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*From Proceedings of the Board of Regents, February 1, 1867.*

The Secretary presented the following memorial which had been offered to Congress by the special committee:

*To the honorable the Senate and House of Representatives in Congress assembled:*

The Board of Regents of the Smithsonian Institution have directed the undersigned to transmit to your honorable body the resolution herewith appended, and to solicit the passage of an act in accordance therewith.

It is known to your honorable body that the original sum received into the United States Treasury from the bequest of James Smithson, of England, was \$515,167, which was considered a trust fund, the interest alone to be applied to carrying out the purpose of the testator, viz, "The increase and diffusion of knowledge among men."

This, however, was not the whole of the Smithsonian bequest, the sum of £5,015 having been left by Hon. R. Rush, the agent of the United States, as the principal of an annuity to the mother of the nephew of Smithson.

The annuitant having died, the sum of \$26,210.63 has been received from this source, and is now in charge of the Secretary of the Treasury of the United States, and no provision having been made in the act of August 10, 1846, establishing the Institution, for the disposition of this remainder of the legacy, your memorialists, in behalf of the Board of Regents, now ask that it be added to the original bequest on the same terms, and that the increase which has arisen from interest or otherwise on the sum before mentioned, also in the hands of the Treasury Department of the United States, be transferred to the Board of Regents for assisting to defray the expense of the reconstruction of the building and for other objects of the Institution.

And your memorialists would further ask that the Board of Regents be allowed to place in the Treasury of the United States, on the same terms as the original bequest, such sums of money as may accrue from savings of income and from other sources, provided the whole amount thus received into the Treasury shall not exceed \$1,000,000.

The sole object of this request is the permanent investment and perpetual security of the entire Smithsonian bequest and such other sums as may be accumulated from savings of accrued interest, legacies, etc.

And your memorialists will ever pray, etc.

S. P. CHASE,

*Chancellor.*

JOSEPH HENRY,

*Secretary Smithsonian Institution.*

*Resolved, by the Board of Regents of the Smithsonian Institution, That an application be made to Congress for an act authorizing the Treasurer of the United States to receive into the Treasury, on the same terms as the original bequest, the residuary legacy of James Smithson, now in United States bonds in the hands of said Treasurer, namely, \$26,210.63, together with such other sums as the Regents may from time to time see fit to deposit, not exceeding, with the original bequest, the sum of \$1,000,000, and that the income which has accrued or may accrue from said residuary legacy be applied in the same manner as the interest on the original bequest.*

Mr. Patterson stated that in behalf of the committee he had presented the memorial to the House of Representatives, with a bill in accordance therewith, which had passed unanimously that day and been transmitted to the Senate.

Mr. Trumbull stated that this bill had also unanimously passed the Senate, and only awaited the signature of the President to become a law.

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*From Proceedings of the Board of Regents, February 22, 1867.*

The Secretary presented the following copy of the act of Congress relative to the increase of the trust fund, referred to at the last meeting of the board, and a statement of what had been done in accordance with it:

An act authorizing the Secretary of the Treasury to receive into the Treasury the residuary legacy of James Smithson, to authorize the Regents of the Smithsonian Institution to apply the income of the said legacy, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to receive into the Treasury, on the same terms as the original bequest, the residuary legacy of James Smithson, now in United States bonds in the hands of said Secretary, namely, twenty-six thousand two hundred and ten dollars and sixty-three cents, together with such other sums as the Regents may from time to time see fit to deposit, not exceeding with the original bequest the sum of one million dollars.*

*SEC. 2. And be it further enacted, That the increase which has accrued or which may hereafter accrue, from said residuary legacy, shall be applied by the Board of Regents of the Smithsonian Institution in the same manner as the interest on the original bequest, in accordance with the provisions of the act of August tenth, eighteen hundred and forty-six, establishing said Institution.*

Approved February 8, 1867.

The Secretary stated that in accordance with the directions of the Board of Regents, and the authority conferred by the above act, he had increased the amount of the Smithsonian fund in the Treasury of

the United States on the 19th of February, 1867, to \$550,000, in the following manner:

The interest at 7.3 per cent, due for two years, to February 15, 1867, on	
the \$54,150 United States bonds, was collected, viz.....	\$7, 905. 90
\$25,400 of the bonds were taken by the Treasury Department	
at 6 per cent premium, yielding:	
Bonds .....	\$25, 400. 00
Premium .....	1, 524. 00
	<hr/> 26, 924. 00
Interest from February 15-19, four days.....	20. 32
	<hr/>
Amount realized .....	34, 850. 22
Amount placed in the United States Treasury, to be added to the original	
trust fund, \$515,169 (making it \$550,000) .....	34, 831. 00
	<hr/>
Leaving a balance in cash of.....	19. 22

This balance was deposited with Riggs & Co. to the credit of the Smithsonian account.

### INCREASE OF THE SMITHSON FUND.

*Hamilton fund.*—The first addition to the Smithsonian fund by bequest was that of \$1,000 from James Hamilton, of Carlisle, Pa., “the interest to be appropriated biennially by the secretaries, either in money or a medal, for such contribution, paper, or lecture on any scientific or useful subject as said secretaries may direct.” His will was dated November 20, 1871, and the amount of the bequest was received February 24, 1874, and deposited in the United States Treasury.

*Habel fund.*—The second bequest to the Institution was made by Dr. Simeon Habel, of New York, an Austrian physician, of \$402.59, which was increased by the Institution to \$500, to be known as the “Habel fund,” which was deposited on the 15th of March, 1880, in the United States Treasury.

*Hodgkins fund.*—In May, 1891, Mr. Thomas George Hodgkins, of Setauket, Long Island, New York, proposed to make a gift to the Institution, and after visits from the Secretary, Mr. Langley, and the Assistant Secretary, Mr. Goode, Mr. Hodgkins presented, on September 22, 1891, the sum of \$200,000, the interest of \$100,000 of which was to be used for general purposes in the “increase and diffusion of knowledge among men,” provided that the interest of the other \$100,000 should be used in the investigation of the properties of atmospheric air considered in its very widest relationship to all branches of science. This gift was formally accepted by the Board of Regents on the 21st of October, 1891. Mr. Hodgkins died on the 25th of November, 1892, at the age of nearly 90 years. Subsequent to his death, in 1894, an additional sum of \$8,000 was received from the estate and added to the Smithsonian fund, and \$42,000 was also

received by the Institution in West Shore Railroad 4 per cent bonds from his estate, making the total gift of about a quarter of a million dollars.

The permanent Smithsonian fund January, 1900, deposited in the United States Treasury consists of—

Aug. 10, 1846. Smithsonian's original bequest.....	\$515, 169. 00
Feb. 19, 1867. Smithsonian's residuary legacy.....	26, 210. 63
From savings, etc.....	108, 620. 37
Feb. 24, 1874. Bequest of James Hamilton.....	1, 000. 00
Mar. 15, 1880. Bequest of Dr. Simeon Habel.....	500. 00
Feb. 21, 1881. Proceeds of sale of Virginia bonds.....	51, 500. 00
Oct. 22, 1891. Gift of Thomas G. Hodgkins.....	200, 000. 00
May 19, 1894. Gift of Thomas G. Hodgkins.....	8, 000. 00
Jan. 28, 1895. Interest on the Hamilton fund.....	1, 000. 00
	<hr/>
	912, 000. 00

#### OTHER BEQUESTS AND GIFTS TO THE INSTITUTION.

*Avery fund.*—In 1894 a bequest was received from Mr. Robert Stanton Avery, of Washington City, consisting of real estate valued at \$28,931 and railroad stocks, etc., valued at about \$6,000.

As litigation ensued on the part of some of the heirs at law, no addition has yet been made from this source to the permanent Smithsonian fund.

In 1889 a bequest of \$5,000 was received from Dr. Jerome Henry Kidder, of Washington City, to be used for the promotion of physical research.

In 1891 Prof. Alexander Graham Bell presented the sum of \$5,000 for scientific research by the secretary, Mr. Langley.

A full account of these bequests will be found in the annual reports of the Institution.



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## **PART II.**

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**LEGISLATION RELATIVE TO THE ESTABLISHMENT OF THE  
SMITHSONIAN INSTITUTION: 1835 TO 1847.**

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## TWENTY-FOURTH CONGRESS, 1835-1837.

### BEQUEST OF JAMES SMITHSON.

#### *Message from the President of the United States.*

WASHINGTON, December 17, 1835.

*To the Senate and House of Representatives of the United States:*

I transmit to Congress a report from the Secretary of State, accompanying copies of certain papers<sup>1</sup> relating to a bequest to the United States by Mr. James Smithson, of London, for the purpose of founding at Washington an establishment, under the name of the Smithsonian Institution, "for the increase and diffusion of knowledge among men." The Executive having no authority to take any steps for accepting the trust and obtaining the funds, the papers are communicated with a view to such measures as Congress may deem necessary.

ANDREW JACKSON.

*December 21, 1835—Senate.*

The message of the President was read, and referred to Committee on the Judiciary.

*December 21, 1835—House.*

The message of the President was received and read.

Referred to a select committee, and Mr. John Quincy Adams, Mr. Francis Thomas, Mr. James Garland of Virginia, Mr. Dutee J. Pearce of Rhode Island, Mr. Jesse Speight, Mr. Thomas M. T. McKennan, Mr. Edw. A. Hannegan, Mr. Rice Garland of Louisiana, and Mr. Graham H. Chapin were appointed said committee.

*January 5, 1836—Senate.*

Mr. B. F. LEIGH, from the Committee on the Judiciary, to whom was referred the message of the President of the United States of the 21st ultimo, relative to the bequest of the late James Smithson, of London, made a report, accompanied by a joint resolution.

The Committee on the Judiciary, to whom was referred the message of the President of the 17th December last, transmitting to Congress a report of the Secretary of State, accompanying copies of certain papers relating to a bequest to the United States by Mr. James Smithson, of London, for the purpose of founding, at Washington,

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<sup>1</sup> For these papers see Correspondence, page 3.

an establishment under the name of "The Smithsonian Institution for the increase and diffusion of knowledge among men," respectfully report:

That it appears that Mr. James Smithson, late of London, deceased, by his last will and testament bequeathed the whole of his property to his bankers, Messrs. Drummonds, of Charing Cross, London, in trust, to be disposed of in the manner therein provided and directed, and desired his said executors to put his property under the management of the court of chancery; and then (after bequeathing an annuity of £100 to John Fitall for life) he bequeathed and provided as follows:

To Henry James Hungerford, my nephew, I give and bequeath, for his life, the whole of the income arising from my property of every nature and kind whatever, after payment of the above annuity, and after the death of John Fitall that annuity likewise; the payments to be made to him at the time interest or dividends become due on the stocks or other property from which the income arises. Should the said Henry James Hungerford have a child or children, legitimate or illegitimate, I leave to such child or children, his or their heirs, executors, and assigns, the whole of my property of every kind, absolutely and forever, to be divided between them, if more than one, in the manner their father shall judge proper; and in case of his omitting to decide this, as the lord chancellor shall judge proper. Should my said nephew, Henry James Hungerford, marry, I empower him to make a jointure. In case of the death of my said nephew without leaving a child or children, or of the death of the child or children he may have had, under the age of 21 years, or intestate, I then bequeath the whole of my property (subject to the annuity of £100 to John Fitall, and for the security and payment of which I mean stock to remain in this country) to the United States of America, to found, at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men.

It further appears, from a letter of Messrs. Clarke, Fynmore & Fladgate, solicitors to Mr. Vail, chargé d'affaires of the United States at London, dated the 21st July last, communicated by Mr. Vail to the Secretary of State, that pursuant to the instructions contained in Mr. Smithson's will, an amicable suit was, on the death of that testator, brought in the court of chancery of England, by the legatee, Mr. Hungerford, against the Messrs. Drummonds, the executors, in which suit the assets were realized; that these were very considerable; that there is now standing in the name of the accountant-general of the court of chancery, on the trusts of the will, stock amounting in value to about £100,000; that Mr. Hungerford, during his life, had received the income arising from this property; but that news had reached England that Mr. Hungerford had died abroad, leaving no child surviving him; so that the event has happened on which the executory bequest of this large property was made by the testator, Mr. Smithson, to the United States, to found, at Washington, under the name of "The Smithsonian Institution," an establishment for the increase and diffusion of knowledge among men. Messrs. Clarke, Fynmore & Fladgate also inform Mr. Vail that it has now become necessary that measures should be taken for the purpose of getting the decision of the

court of chancery as to the further disposition of the property; that it is not clearly defined in Mr. Smithson's will to whom, on behalf of the United States, the property should be paid or transferred; and indeed there is so much doubt that they apprehend the attorney-general on behalf of the Crown of England must be joined in the proceedings which it may be requisite the United States should institute; that they act in this matter for Messrs. Drummonds, the bankers, who are mere stakeholders, and are ready to do all in their power to facilitate getting the decision of the court of chancery and carrying the testator's intentions into effect; and that they will be happy to communicate with such professional advisers as the Government of the United States shall think fit to appoint to act for them in England. And having thus stated the nature of the business, they add that they abstain from making any suggestion as to the party in whose name proceedings should be adopted, considering that the point should be determined by counsel in England, after the opinion of the proper law officers in the United States shall have been taken on the subject.

In a letter of Mr. Vail to the Secretary of State of the 28th July last, communicating a copy of Mr. Smithson's will and the letter of Messrs. Clarke, Fynmore & Fladgate to him, he says that that letter and the inquiries he has made leave no doubt of the will of Mr. Smithson having been established and its dispositions recognized by the court of chancery of England; that, according to the view taken of the case by the solicitors, the United States, in the event of their accepting the legacy and the trust coupled with it, should come forward, by their representative, and make themselves parties to an amicable suit before the lord chancellor of England, for the purpose of legally establishing the fact of the demise of Mr. Hungerford, the legatee for life, without children and intestate, proving their claim to the benefit of the will, and obtaining a decree in chancery awarding to them the proceeds of the estate; that Messrs. Clarke, Fynmore & Fladgate are willing to undertake the management of the suit on the part of the United States, and that, from what he has learned of their standing, they may safely be confided in. And Mr. Vail suggests, upon the advice of those gentlemen, a method of proceeding to assert the claim of the United States to the legacy, without further delay, in case it should be thought unnecessary to await the action of Congress to authorize the institution of the requisite legal proceedings.

The Secretary of State submitted the letter of Mr. Vail and the papers therewith communicated to the President, who determined to lay the subject before Congress at its next session, and of this determination the Secretary of State apprised Mr. Vail in a letter of the 26th September last.

The President in his message of the 17th December transmits to Congress all the correspondence and information relating to the sub-

ject as the same had been reported to him by the Secretary of State, and adds that "the Executive having no authority to take any steps for accepting the trust and obtaining the funds, the papers are communicated, with a view to such measures as Congress may deem necessary."

The committee concur in the opinion of the President, that it belongs to the Legislature to devise and prescribe the measures, if any, proper to be adopted on this occasion and to provide for such expenses as may be incurred in the prosecution of them.

Judging from the letters of Mr. Vail to the Secretary of State and of Messrs. Clarke, Fynmore & Fladgate to Mr. Vail, as well as from the information which the committee themselves have been able to gather as to the course of adjudication of the court of chancery of England in such cases, the committee suppose it unquestionable that the executory bequest contained in Mr. Smithson's will, of his whole property to the United States, in the event that has occurred, for the purpose of founding at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men, is by the law of England a valid bequest; that the United States will be entertained in the court of chancery of England to assert their claim to the fund as trustees, for the purpose of founding the charitable institution at Washington to which it is destined by the donor, and that that court will decree that the fund shall be paid and transferred to the United States, or their lawfully authorized agent, leaving it to the United States to apply the property to the foundation of the intended charity at Washington and to provide for the due administration of the fund, so as to accomplish the purpose of the donor. The committee are sensible, however, that these are points which can only be determined and settled by the judicial authority of England.

In the opinion of the committee the questions which it behooves Congress to consider are whether it is competent to the United States, whether it comports with their dignity, whether (all circumstances considered) it is expedient and proper that the United States should appear as suitors in the courts of justice of England to assert their claim to the legacy in question as trustees for the intended charitable institution to be founded at Washington.

It might be a question of much doubt and difficulty whether it would be within the competency of the Government of the United States to appropriate any part of the general revenue collected from the nation at large to the foundation and endowment of a literary or any other charitable institution in the District of Columbia; but, in the opinion of the committee, no such question is involved in the consideration of the present subject. The fund given to the United States by Mr. Smithson's will is nowise and never can become part of

their revenue. They can not claim or take it for their own benefit. They can only take it as trustees, to apply to the charitable purpose for which it was intended by the donor.

The committee can see no reason to doubt that the United States must be regarded as the *parens patriæ* of the District of Columbia; that in that character they have a right and they are in duty bound to assert a claim to any property given to them for the purpose of founding a charitable institution of any kind within the District and to provide for the due application and administration of such a fund when they have obtained possession of it; that the rights and duties of the United States as *parens patriæ* of the District in such a case are the same, whether the charitable donation be made by the subject of a foreign nation or by a citizen, or whether the claim to the bounty is to be asserted before a domestic court of justice or before a foreign tribunal, which by the comity of nations or the laws of its own country is bound to entertain the claim and to adjudge the property to the United States if they are by law entitled to it. If a foreign tribunal decreeing such property to the United States should think proper to impose any conditions incompatible with the constitutional powers of this Government or with its duties or its dignity, the United States may then decline to accept the property and the trust, but no difficulty of that kind is apprehended.

The committee are also of the opinion that the United States, in prosecuting a claim to property given to them for the purpose of founding a charitable institution within the District of Columbia, and which they are entitled to claim, and take, and regulate the administration of, as the *parens patriæ* of the District, may properly appropriate, out of their general revenue, such sums as may be necessary to prosecute the claim with effect—since the United States have no other pecuniary means to defray the expenses that may be incurred in exercising their powers, or in performing their duties, as *parens patriæ* of the District, but such as are afforded by their general revenue.

Upon the whole, the committee are of opinion that it is within the competency of the Government of the United States, that it well comports with its dignity, that, indeed, it is its duty to assert in the courts of justice of England the claim of the United States to the legacy bequeathed to them by Mr. Smithson's will, for the purpose of founding at Washington, under the name of "The Smithsonian Institution," an establishment for the increase and diffusion of knowledge among men, and that provision ought to be made by Congress to enable the Executive to assert and prosecute the claim with effect.

Therefore the committee recommend the adoption of a joint resolution authorizing the President to take measures for recovering the said legacy.

*January 19, 1836.—House.*

Mr. JOHN QUINCY ADAMS, from the committee appointed on the message of the President of the United States of the 17th of December ultimo, and which was laid before the House on the 21st, communicating information in relation to a bequest made by James Smithson, late of London, in the Kingdom of Great Britain, deceased, to the United States, for the purpose of establishing a seminary of learning, reported (by leave) a bill (H. No. 187) to authorize the President of the United States to assert and prosecute with effect the right of the United States to the bequest of James Smithson, late of London, deceased, to found at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men, accompanied by a report in writing; which bill was read the first and second time and committed to the Committee of the Whole House on the state of the Union.

The following is the report:

The select committee to which was referred the message of the President of the United States of the 17th of December last, with documents relating to the bequest of James Smithson, of London, to the United States of America, for the purpose of founding at Washington an establishment, under the name of the Smithsonian Institution, for the increase and diffusion of knowledge among men, respectfully report:

That, from the papers transmitted to Congress with the message of the President, it appears that James Smithson, a foreigner, of noble family and of affluent fortune, did, by his last will and testament, made in the year 1826, bequeath, under certain contingencies, which have since been realized, and with certain exceptions, for which provision was made by the same will, the whole of his property, of an amount exceeding four hundred thousand dollars, to the United States of America, to found at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men.

To the acceptance of this bequest, and to the assumption and fulfillment of the high and honorable duties involved in the performance of the trust committed with it, the Congress of the United States, in their legislative capacity, are alone competent. Your committee believe not only that they are thus competent, but that it is enjoined upon them by considerations of the most imperious and indispensable obligation. The first steps necessary to be taken for carrying into effect the benevolent intentions of the testator must be to obtain the possession of the funds, now held by the Messrs. Drummonds, bankers in London, executors of Mr. Smithson's will, and subject to the superintendence, custody, and adjudication of the lord chancellor of England. To

enable the President of the United States to effect this object the committee report herewith a bill.

But your committee think they would imperfectly discharge their duty to this House, to their country, to the world of mankind, or to the donor of this most munificent bequest were they to withhold a few brief reflections which have occurred to them in the consideration of the subject referred to them by the House, reflections arising from the condition of the testator, from the nature of the bequest, and from the character of the trustee to whom this great and solemn charge has been confided.

The testator, James Smithson, a subject of Great Britain, declares himself, in the caption of the will, a descendant in blood from the Percys and the Seymours, two of the most illustrious historical names of the British islands. Nearly two centuries since, in 1660, the ancestor of his own name, Hugh Smithson, immediately after the restoration of the royal family of the Stuarts, received from Charles the Second, as a reward for his eminent services to that house during the civil wars, the dignity of a baronet of England, a dignity still held by the Dukes of Northumberland as descendants from the same Hugh Smithson. The father of the testator, by his marriage with the Lady Elizabeth Seymour, who was descended by a female line from the ancient Percys, and by the subsequent creation of George the Third, in 1766, became the first Duke of Northumberland. His son and successor, the brother of the testator, was known in the history of our Revolutionary war by the name of Lord Percy; was present as a British officer at the sanguinary opening scene of our Revolutionary war at Lexington and at the battle of Bunker Hill, and was the bearer to the British Government of the dispatches from the commander in chief of the royal forces announcing the event of that memorable day; and the present Duke of Northumberland, the testator's nephew, was the ambassador extraordinary of Great Britain sent to assist at the coronation of the late King of France, Charles the Tenth, a few months only before the date of this bequest from his relative to the United States of America.

The suggestions which present themselves to the mind by the association of these historical recollections with the condition of the testator derive additional interest from the nature of the bequest—the devotion of a large estate to an institution for the increase and diffusion of knowledge among men.

Of all the foundations of establishments for pious or charitable uses which ever signalized the spirit of the age or the comprehensive beneficence of the founder, none can be named more deserving of the approbation of mankind than this. Should it be faithfully carried into effect with an earnestness and sagacity of application and a steady perseverance of pursuit proportioned to the means furnished by the

will of the founder and to the greatness and simplicity of his design as by himself declared, "the increase and diffusion of knowledge among men," it is no extravagance of anticipation to declare that his name will be hereafter enrolled among the eminent benefactors of mankind.

The attainment of knowledge is the high and exclusive attribute of man, among the numberless myriads of animated beings, inhabitants of the terrestrial globe. On him alone is bestowed, by the bounty of the Creator of the universe, the power and the capacity of acquiring knowledge. Knowledge is the attribute of his nature, which at once enables him to improve his condition upon earth and to prepare him for the enjoyment of a happier existence hereafter. It is by this attribute that man discovers his own nature as the link between earth and heaven; as the partaker of an immortal spirit; as created for a higher and more durable end than the countless tribes of beings which people the earth, the ocean, and the air, alternately instinct with life, and melting into vapor or moldering into dust.

To furnish the means of acquiring knowledge is therefore the greatest benefit that can be conferred upon mankind. It prolongs life itself and enlarges the sphere of existence. The earth was given to man for cultivation, to the improvement of his own condition. Whoever increases his knowledge multiplies the uses to which he is enabled to turn the gift of his Creator to his own benefit and partakes in some degree of that goodness which is the highest attribute of Omnipotence itself.

If, then, the Smithsonian Institution, under the smile of an approving Providence, and by the faithful and permanent application of the means furnished by its founder, to the purpose for which he has bestowed them, should prove effective to their promotion; if they should contribute essentially to the increase and diffusion of knowledge among men, to what higher or nobler object could this generous and splendid donation have been devoted?

The father of the testator, upon forming his alliance with the heiress of the family of the Percys, assumed, by an act of the British Parliament, that name, and under it became Duke of Northumberland. But, renowned as is the name of Percy in the historical annals of England, resounding as it does from the summit of the Cheviot Hills to the ears of our children in the ballad of Chevy Chase, with the classical commentary of Addison; freshened and renovated in our memory as it has recently been from the purest fountain of poetical inspiration; in the loftier strain of Alnwick Castle, tuned by a bard of our own native land;<sup>1</sup> doubly immortalized as it is in the deathless dramas of Shakespeare; "confident against the world in arms," as it may have been in ages long past, and may still be in the virtues of its present

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<sup>1</sup> Fitz-Greene Halleck.

possessors by inheritance, let the trust of James Smithson to the United States of America be faithfully executed by their representatives in Congress; let the result accomplish his object, "the increase and diffusion of knowledge among men," and a wreath of more unfading verdure shall entwine itself in the lapse of future ages around the name of Smithson than the united hands of tradition, history, and poetry have braided around the name of Percy through the long perspective in ages past of a thousand years.

It is, then, a high and solemn trust which ~~the~~ testator has committed to the United States of America, and its execution devolves upon their representatives in Congress duties of no ordinary importance. The location of the Institution at Washington, prescribed by the testator, gives to Congress the free exercise of all the powers relating to this subject with which they are by the Constitution invested as the local legislature for the District of Columbia. In adverting to the character of the trustee selected by the testator for the fulfillment of his intentions, your committee deem it no indulgence of unreasonable pride to mark it as a signal manifestation of the moral effect of our political institutions upon the opinions and upon the consequent action of the wise and the good of other regions and of distant climes; even upon that nation from whom we generally boast of our descent, but whom from the period of our Revolution we have had too often reason to consider as a jealous and envious rival. How different are the sensations which should swell in our bosoms with the acceptance of this bequest! James Smithson, an Englishman, in the exercise of his rights as a free born Briton, desirous of dedicating his ample fortune to the increase and diffusion of knowledge among men, constitutes for his trustees, to accomplish that object, the United States of America, and fixes upon their seat of Government as the spot where the Institution, of which he is the founder, shall be located.

The Revolution which resulted in the independence of these United States was commenced, conducted, and consummated under a mere union of confederated States. Subsequently to that period a more perfect union was formed, combining in one system the principle of confederate sovereignties with that of a government by popular representation, with legislative, executive, and judicial powers, all limited, but coextensive with the whole confederation.

Under this Government, a new experiment in the history of mankind is now drawing to the close of half a century, during which the territory and number of States in the Union have nearly doubled, while their population, wealth, and power have been multiplied more than fourfold. In the process of this experiment they have gone through the vicissitudes of peace and war, amidst bitter and ardent party collisions, and the unceasing changes of popular elections to the legislative and executive offices, both of the general confederacy and

of the separate States, without a single execution for treason, or a single proscription for a political offense. The whole Government, under the continual superintendence of the whole people, has been holding a steady course of prosperity, unexampled in the contemporary history of other nations, not less than in the annals of ages past. During this period our country has been freely visited by observers from other lands, and often in no friendly spirit by travelers from the native land of Mr. Smithson. Their reports of the prevailing manners, opinions, and social intercourse of the people of this Union have exhibited no flattering or complacent pictures. All the infirmities and vices of our civil and political condition have been conned and noted, and displayed with no forbearance of severe satirical comment to set them off; yet, after all this, a British subject, of noble birth and ample fortune, desiring to bequeath his whole estate to the purpose of increasing and diffusing knowledge throughout the whole community of civilized man, selects for the depositaries of his trust, with confidence unqualified with reserve, the Congress of the United States of America.

In the commission of every trust there is an implied tribute of the soul to the integrity and intelligence of the trustee; and there is also an implied call for the faithful exercise of those properties to the fulfillment of the purpose of the trust. The tribute and the call acquire additional force and energy when the trust is committed for performance after the decease of him by whom it is granted, when he no longer exists to witness or to constrain the effective fulfillment of his design. The magnitude of the trust, and the extent of confidence bestowed in the committal of it, do but enlarge and aggravate the pressure of the obligation which it carries with it. The weight of duty imposed is proportioned to the honor conferred by confidence without reserve. Your committee are fully persuaded, therefore, that, with a grateful sense of the honor conferred by the testator upon the political institutions of this Union, the Congress of the United States, in accepting the bequest, will feel, in all its power and plentitude, the obligation of responding to the confidence reposed by him with all the fidelity, disinterestedness, and perseverance of exertion which may carry into effective execution the noble purpose of an endowment for the increase and diffusion of knowledge among men.

*January 19, 1836—House.*

A motion was made by Mr. G. H. CHAPIN, that 5,000 additional copies be printed of the message of the President, and the papers which accompanied the same, in relation to the bequest of James Smithson, together with the report and bill that day submitted by Mr. John Quincy Adams, from the committee to which the same was referred; which motion was laid on the table one day under the rule.

*January 20, 1836.—House.*

Mr. G. H. CHAPIN moved to consider the motion, which he submitted on the previous day, for printing 5,000 copies of the report

submitted on the same date by Mr. J. Q. Adams from a select committee, together with the President's message, correspondence, and will, relating to the bequest of James Smithson, late of London, deceased.

Objection being made,

Mr. ABIJAH MANN, Jr., of New York, said the report was in reference to a subject of considerable interest, not only to the House, but to the country generally. As the report was in the hands of the printer, it was proper that, if an extra number of copies was ordered, it should be done at this time. He moved to suspend the rule for the purpose of entertaining the motion to print, which was agreed to—ayes 107, noes 46.

Mr. B. C. HOWARD desired to know from some member of the committee the purport of the report, and what disposition was proposed to be made of the bequest. He was entirely ignorant on the subject.

Mr. CHAPIN, of New York, said he would, as a member of the committee to which the subject of the Smithsonian bequest had been referred, answer the inquiry of the honorable gentleman from Maryland (Mr. Howard). It was not proposed either by the report or bill which the honorable chairman of the select committee (Mr. Adams) had submitted, to indicate the plan or organization of the institution to be founded. At present it would be entirely premature to do so, because the first step was to obtain the funds, leaving the application of them to future legislation. The bill provides that the President of the United States shall appoint an agent to prosecute the claim in the court of chancery in England, where the funds are locked up, in behalf of the United States, and on the receipt of them to give the proper discharge or acquittance for the same.

Sir, the bequest of James Smithson, amounting to nearly half a million of dollars, is among the most liberal benefactions upon record. Coming, too, as it does, from a citizen of Great Britain, who is not known to have visited the United States, or to have had any friends residing here, it may be regarded as a distinguished tribute of respect paid by a foreigner and stranger to the free institutions of our country. It is due to the memory and character of the donor that suitable publicity should be given to this noble and generous act of public munificence; it is due, also, as the acknowledgment of the grateful sense of Congress, in behalf of the people of the United States, for whose benefit the bequest was made; and it is in an especial manner necessary in order to call the attention of men distinguished for learning and talents in all parts of the Union to the subject, for the purpose of obtaining an expression of their views and opinions in regard to the plan and organization of the institution proposed to be established. This splendid benefaction confers immortality upon the individual by whom it was bestowed, and does honor to the age in which we live.

Mr. CHAPIN concluded by expressing the hope that the motion to print would be adopted by the House without a dissenting voice.

Mr. JAMES H. PARKER said the House had not entirely got out of a debate which had arisen upon a bill which was intended to provide for their own pay, in reference to the alleged excessive expenditures of the contingent fund of the House for the item of printing. A great deal of complaint was made on the occasion alluded to, because of the number of President's messages ordered to be printed by the House. He was so case-hardened that he would upon a like occasion do the same thing again. He was, however, not prepared to vote for the proposition before the House. The report was doubtless an able one, but he could see no reason why five times the number which were necessary for the information of the House should be printed. It would be recollected that a report had been made in the Senate on this subject which had been published in all the newspapers he had seen. They would not be called upon to make any disposition of these funds, because they had not yet received them, and if they ever did it would perhaps be fifteen or twenty years first. Upon the whole he did not consider it at all important that an extra number of this report should be published.

The motion to print 5,000 extra copies of the report was then agreed to.

*February 5, 1836.—Senate.*

The resolution to authorize and enable the President to assert and prosecute with effect the claim of the United States to the legacy bequeathed to them by James Smithson, was considered as in Committee of the Whole; and,

On motion by Mr. WILLIAM C. PRESTON,  
Laid on the table.

*April 30, 1836.—Senate.*

On motion of Mr. WILLIAM C. PRESTON, the Senate took up the resolution authorizing the President of the United States to appoint an agent or agents to prosecute and receive from the British court of chancery the legacy bequeathed to the United States by the late James Smithson of London, for the purpose of establishing at Washington city an institution for the increase of knowledge among men, to be called the Smithsonian University.

Mr. PRESTON said that by this will it was intended that this Government should become the beneficiaries of this legacy, and contended that if they had not the competence to receive it by the Constitution, the act of no individual could confer the power on them to do so. He claimed that they had not the power to receive the money for national objects, and if so, the expending of it for another object was a still higher power. He controverted the position that if they could not receive it as the beneficiary legatee, they might receive it as the fiduciary agent.

If they had not the power to establish a university without the power conferred on them by a grant, they could not have it with the grant; or what they could not exercise directly, they could not exercise as trustee. He referred to a report made by Mr. Adams in the House of Representatives, in which the genealogy of Mr. Smithson was given and traced through the line of the illustrious Percys and Seymours of England. He thought this donation had been partly made with a view to immortalize the donor, and that it was too cheap a way of conferring immortality. There was danger of their imaginations being run away with by the associations of Chevy Chase ballads, etc., and he had no idea of this District being used as a fulcrum to raise foreigners to immortality by getting Congress as the *parens patriæ* of the District of Columbia to accept donations from them.

The committee had misconceived the facts; the bequest was to the United States of America to found a university in the District of Columbia, under the title of the "Smithsonian University," and the execution of the terms of the legacy was to redound to the purposes of the donation, which was for the benefit of all mankind. It was general in its terms, and not limited to the District of Columbia; it was for the benefit of the United States, and could not be received by Congress.

Mr. B. F. LEIGH said he would thank the gentleman to inform the Senate that the report he had referred to was made in the House of Representatives, and not by a committee of the Senate. The report of the Senate's committee was simply a statement of matters of fact. Mr. Leigh explained the provisions of the will, which were simply these: The testator, James Smithson, bequeathed to his nephew, James Henry Hungerford, a legacy of £100,000, providing that if Mr. Hungerford should die without children the legacy should inure to the United States, for the purpose of founding at the city of Washington an institution for the increase of knowledge among men, to be called the Smithsonian University; and the Government had received information from the American consul at London that Mr. Hungerford had lately died without ever having been married and without leaving any children. It now became necessary, Mr. Leigh said, for Congress to determine whether it was competent for the United States to receive this money, and, if they should receive it, to take measures for carrying the intentions of the testator into effect. The committee to whom this subject had been referred were all of opinion, with the exception of the gentleman from South Carolina (Mr. Preston), that it was proper for the United States to receive this money. They had not considered the question at all, whether it was in the power of Congress to establish a national university, nor was it necessary they should do so. They looked upon this bequest as having been made simply for the benefit of one of the cities of the District of Columbia,

of which Congress was the constitutional guardian, and could receive and apply the money in that form. Congress was the *parens patriæ* of the District of Columbia, in the sense laid down by Blackstone, a power which necessarily belonged to every government, and could therefore very properly receive this trust for a charitable purpose in the District of Columbia. Congress had, in fact, exercised this power of *parens patriæ* of the District in the establishment of an orphans' court, in the erection and support of a penitentiary, and could create an establishment to take care of lunatics; and indeed, if it did not possess this power, in what a deplorable condition would this District be. The States of Maryland and Virginia undoubtedly possessed this power, and of course Congress derived it as to the District from their deeds of cession. He did not look upon this legacy to be for the benefit of the United States, but for the benefit of one of the cities of the District, over which Congress was guardian, and he had therefore no difficulty in voting for the bill.

Mr. PRESTON was aware of the decision of the Supreme Court cited by the Senator from Virginia (Mr. Leigh), that the people of this District might be taxed without representation, and he had no doubt that these corporations could exercise a trust; but this was not a trust to the city of Washington. The United States was the *cestui qui trust*, and not the city of Washington. The corporation of the city of Washington could not enforce this claim in a court of chancery in England. If an institution of the kind was desired, he would prefer it to be established out of our own funds, and not have Congress pander to the paltry vanity of an individual. If they accepted this donation, every whippersnapper vagabond that had been traducing our country might think proper to have his name distinguished in the same way. It was not consistent with the dignity of the country to accept even the grant of a man of noble birth or lineage.

Mr. J. M. CLAYTON said the Senator from South Carolina (Mr. Calhoun) had considered this as a donation to the United States. It was not so. The United States was merely named in the will as the trustee, and was to receive no benefit whatever. It was merely a charitable object to establish an university in the District of Columbia. They had established similar institutions within the District of Columbia by acts of Congress, and no one doubted the power to permit persons from other places to be educated in them.

Mr. J. C. CALHOUN said, if his memory served him, there was opposition made to the passage of those acts.

Mr. CLAYTON said he believed there was some objection made to the policy, but not to the power of making the donation. It was to be located in the city of Washington, and persons in the city would be more benefited by it than any others.

Mr. CALHOUN was of opinion that this donation was made expressly

to the United States. By reading the terms in which the bequest was made, it was impossible to conceive otherwise. The bequest was "to the United States of America, for the purpose of establishing, at the city of Washington, an institution for the increase of knowledge among men." Now, take out the words "the city of Washington," and the donation was clearly to the United States. The words "the city of Washington" were only used to designate the place where the university was to be established, and not by any stretch of the meaning of language to be considered as making the donation to the city. He understood the Senators on all hands to agree that it was not in the power of Congress to establish a national university, and they all agreed that they could establish a university in the District of Columbia. Now, on this principle, they could not receive the bequest, for the District of Columbia was not even named in it, the city of Washington being only designated as the place where the university was to be established, and the bequest being expressly made to the United States. He thought that acting under this legacy would be as much the establishment of a national university as if they appropriated money for the purpose; and he would indeed much rather appropriate the money, for he thought it was beneath the dignity of the United States to receive presents of this kind from anyone. He could never pass through the Rotunda of the Capitol without having his feelings outraged by seeing that statue of Mr. Jefferson which had been placed there contrary to their consent.

Mr. S. L. SOUTHARD said that the Senator from South Carolina was mistaken in saying that every Senator agreed that it was not in the power of Congress to establish a national university. He, for one, believed that Congress had the unquestionable right to do so. This, however, did not involve the constitutionality of the question before them, as, in his opinion, the most rigid construction of the Constitution would not be adverse to the bill. Congress had the same right to establish this university as they had to charter a college in Georgetown or Alexandria.

Mr. JAMES BUCHANAN believed that Congress had the power to receive and apply this money to the purposes intended by the testator, without involving the question whether they had the power to establish a national university or not. There was no question but that James Smithson, in his lifetime, had a right to establish a university at the city of Washington, and to call it the Smithsonian University; or a national university, if he pleased; and Congress, by receiving and applying this bequest, would only act as the trustee of the city of Washington, for whose benefit it was made.

Mr. R. J. WALKER would not discuss the question whether this was a national university, because he believed that question was not involved. But he should vote for the bill on the ground that Con-

gress would be doing manifest injustice to the citizens of the city of Washington by refusing to accept the donation. It was true that it operated for the benefit of all mankind, but not more so than a university established at Princeton or any other place. The Senator from South Carolina [Mr. Calhoun] had said they ought to read the will as if the words "at Washington" were left out. He [Mr. Walker] did not think so. They ought to read it just as it was in connection with the whole, and give it its true construction, which was that the United States was only designated as the trustee, and the people of the city of Washington had a right to call upon Congress, as the representatives of the United States, to execute the trust.

Mr. JOHN DAVIS said this man Smithson, it was said, had devised £100,000 for the establishment of a university in the city of Washington to diffuse knowledge among men. It seemed to be taken for granted that it was for the establishment of a university, although he believed the word university was not to be found in the will. He could not infer why it was so construed, as there were other means of diffusing knowledge among men besides doing it through the medium of universities, and he therefore thought the discussion as to the particular design of the gift premature. He did not regard it as a gift or bequest to the Government. If he did, he would have all the feelings evinced by the Senator from South Carolina [Mr. Preston]. The testator had not specified what special purpose it was to be applied to, nor when the fund was to be used, and Congress might defer using it until it became large enough to be used advantageously to the purposes of diffusing knowledge among mankind. If they denied the right to establish a university, they denied the right to establish all institutions of charity. The same question involved in this was also involved in the incorporation of institutions which had been incorporated by them in this District. The only question now under consideration was whether they should receive this money. He would vote for it, and if they could not devise some appropriate disposition of it after it was received, he would be willing to send it back by the first return packet.

Mr. CALHOUN asked the Senator from Massachusetts [Mr. Davis] what construction he would put upon the will if the words "at Washington" had been left out of it?

Mr. DAVIS replied that he would put the same construction on it then as he did now. His first inquiry would be whether it was for a charitable purpose, and if there was no power to establish the institution in any of the States, he would establish it in the District of Columbia; and if the power to establish it there was doubted, he would establish it in one of the Territories. He deemed the establishment of institutions for the diffusion of knowledge a vital principle of a republican government. They might as well say that delivering lectures in any of the sciences was a national institution as to call this one.

Mr. PRESTON said the declaration of the Senator from New Jersey [Mr. Southard] had satisfied him that this was a national university. There was no difference between a university in the District of Columbia for the benefit of all mankind and a national university. That Senator had not distinguished between the power of erecting buildings and the use to which they are appropriated. They had the power to erect buildings *in loco parentis patriæ* for the benefit of the District of Columbia; they might erect buildings for the maintenance of paupers of the District; but if the people of the District, in this case, were to have any benefit peculiar to the place, it was in the erection of the buildings alone. He asked if the buildings of the Post-Office Department were erected by Congress as the *parens patriæ* of the District of Columbia? Had they the right, as *parens patriæ* of the District of Columbia, to erect this building for the benefit *humani generis* of this District, when it was, in fact, a general charity to mankind, including the confederacy, and not confined to the District of Columbia? He was against the power, and would be against the policy, if they had the power.

After some further remarks from Mr. LEIGH and Mr. PRESTON, the question was taken on ordering the resolution to be engrossed for a third reading, and decided in the affirmative—yeas 31, nays 7, as follows:

*Yeas.*—Messrs. Benton, Black, Buchanan, Clay, Clayton, Crittenden, Cuthbert, Davis, Ewing of Ohio, Goldsboro, Grundy, Hendricks, Hubbard, Kent, King of Alabama, Knight, Leigh, Linn, Mangum, Moore, Naudain, Nicholas, Porter, Prentiss, Rives, Robbins, Southard, Swift, Tallmadge, Tomlinson, Walker—31.

*Nays.*—Messrs. Calhoun, Ewing of Illinois, Hill, King of Georgia, Preston, Robinson, White—7.

*May 2, 1836—Senate.*

Resolution passed.

*May 10, 1836—House.*

The resolution (S. No. 4) from the Senate was committed to the Committee of the Whole.

A motion was made by Mr. J. QUINCY ADAMS that the rule be suspended to enable him to make a motion that said resolution be the special order of the day on Tuesday, the 17th instant, from 11 o'clock a. m. to 1 p. m.; which motion to suspend was disagreed to by the House.

*June 25, 1836—House.*

In Committee of the Whole, Senate resolution No. 4 was considered and amended.

The amendments made in Committee of the Whole, one of which amendments changed the Senate resolution into the form of a bill to authorize the President of the United States to assert and prosecute the right of the United States to the legacy of James Smithson, late of London, were reported to the House, and were concurred in.

The bill was passed.

*June 25, 1836—Senate.*

The Senate concurred in the amendments made by the House in Senate resolution No. 4.

*July 1, 1836—*

An act to authorize and enable the President to assert and prosecute with effect the claim of the United States to the legacy bequeathed to them by James Smithson, late of London, deceased, to found at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be, and he is hereby, authorized to constitute and appoint an agent or agents to assert and prosecute for and in behalf of the United States, and in their name or otherwise, as may be advisable, in the court of chancery, or other proper tribunal of England, the right of the United States to the legacy bequeathed to them by the last will and testament of James Smithson, late of London, deceased, for the purpose of founding at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men, and to empower such agent or agents so appointed to receive and grant acquittances for all such sum or sums of money, or other funds, as may or shall be decreed or adjudged to the United States for or on account of said legacy.

SEC. 2. *And be it further enacted,* That the said agent or agents shall, before receiving any part of said legacy, give a bond or bonds, in the penal sum of \$500,000, to the Treasurer of the United States, and his successors in office, with good and sufficient securities, to the satisfaction of the Secretary of the Treasury, for the faithful performance of the duties of the said agency and for the faithful remittance to the Treasurer of the United States of all and every sum or sums of money or other funds which he or they may receive for payment in whole or in part of the said legacy. And the Treasurer of the United States is hereby authorized and required to keep safely all sums of money or other funds which may be received by him in virtue of the said bequest, and to account therefor separately from all other accounts of his office, and subject to such further disposal thereof as may be hereafter provided by Congress.

SEC. 3. *And be it further enacted,* That any and all sums of money and other funds which shall be received for or on account of the said legacy shall be applied, in such manner as Congress may hereafter direct, to the purpose of founding and endowing at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men; to which application of the said moneys and other funds the faith of the United States is hereby pledged.

SEC. 4. *And be it further enacted,* That to the end that the claim to

the said bequest may be prosecuted with effect, and the necessary expenses in prosecuting the same be defrayed, the President of the United States be, and he is hereby, authorized to apply to that purpose any sum not exceeding \$10,000 out of any moneys in the Treasury not otherwise appropriated.

(Stat., V, 64.)

TWENTY-FIFTH CONGRESS—1837-1839.

BEQUEST OF JAMES SMITHSON.

September, 1837—House.

The sum of \$10,000 provided in the act of July 1, 1836, having proved insufficient, the Secretary of State asked an additional appropriation by Congress.

*John Forsyth to C. C. Cambreleng.*

DEPARTMENT OF STATE,  
Washington, September 14, 1837.

SIR: It will be seen by the annexed statement that of the appropriation made in the year 1836 to prosecute the claim of the United States to the legacy bequeathed by James Smithson, of London, there remained unexpended on the 31st day of July last but \$4,000. As that sum will not probably be sufficient to meet the necessary expenditures until an appropriation could be made at the next session of Congress and placed in London, I have the honor to submit to the Committee of Ways and Means the necessity of providing for them by an appropriation at this session.

I have the honor to be, sir, your obedient servant,

JOHN FORSYTH.

Hon. C. C. CAMBRELENG,  
Chairman of the Committee of Ways and Means,  
House of Representatives.

STATEMENT OF THE SMITHSONIAN FUND.

Amount of appropriation made in 1836 .....	\$10, 000
Mr. Rush's account for salary for one year, to the 31st of July, 1837..	\$3, 000
Mr. Rush's account for incidental and contingent expenses for the same period.....	2, 000
Amount of solicitor's bill, £200 4s., say .....	1, 000
	<hr/> 6, 000
Amount remaining of the appropriation of 1836.....	4, 000

[Same to Mr. Silas Wright, Chairman of the Committee on Finance, Senate.]

*John Forsyth to C. C. Cambreleng.*

DEPARTMENT OF STATE,  
Washington, September 19, 1837.

SIR: I have the honor to inclose a letter received at this Department from Mr. Richard Rush, agent of the United States in London for the prosecution of their claim to the property bequeathed by the late James Smithson, together with the bill of Messrs. Clarke, Fynmore, and Fladgate, solicitors, paid by him.

I also inclose a letter from Mr. Daniel Brent, consul of the United States at Paris, in relation to payments made by him in endeavoring to secure property supposed by him to constitute a part of that bequeathed by Mr. Smithson, with a copy of Mr. Rush's answer to his application for reimbursement. I would suggest \$10,000 as the amount necessary to be appropriated for the continuation of the prosecution of the claim of the United States, and that it is of urgent necessity that it be made at this session, in order that funds may be transmitted to the bankers of the United States in London to meet the drafts that may necessarily be made upon them for the expenses to be incurred therein. \* \* \*

I have to request that the papers inclosed may be shown to the chairman of the Committee on Finance of the Senate and that they may be returned to this Department.

I have the honor to be, sir, your obedient servant,

JOHN FORSYTH.

Hon. C. C. CAMBRELENG,

*Chairman of the Committee of Ways and Means,*

*House of Representatives.*

*October 16, 1837.*

An act making further appropriations for the year 1837.

For defraying the expenses attending the prosecution of the claim of the United States to the legacy bequeathed by the late James Smithson, of London, \$5,000.

(Stat., V, 207.)

*March 5, 1838—House.*

On motion of Mr. TIMOTHY CHILDS,

*Resolved*, That the President be requested to communicate to this House (if the same can be done without prejudice to the public service) all the documents and information in his possession relative to the prosecution of the claim to the Smithsonian bequest; also, what duty has been performed, and remains to be performed, by the agent employed at London in reference to said claim, and how the money heretofore appropriated by Congress has been applied.

*May 21, 1838—House.*

Memorial of Walter R. Johnson relative to the Smithson bequest presented. (See p. 146.)

*June 28, 1838—House.*

Mr. ABRAHAM RENCHER submitted resolution:

*Resolved*, That the Committee of Ways and Means inquire into the expediency of authorizing a temporary investment of the Smithsonian legacy, as soon as it shall be received by the President of the United States.

Agreed to.

*July 2, 1838—House.*

Mr. C. C. CAMBRELENG, from the Committee of Ways and Means, reported:

[H. No. 863.]

A bill to provide for the investment of money received under the will of the late James Smithson, of London.

*Be it enacted, etc.*, That all money arising from the bequest of the late James Smithson, of London, for the purpose of founding at Washington, in this District, an institution to be denominated the Smithsonian Institution, shall be paid into the

Treasury, and invested by the Secretary of the Treasury, with the approbation of the President of the United States, in stock of the United States, to be created for that purpose, bearing interest at the rate of six per centum per annum, payable annually; that the certificates for said stock shall be issued by the Secretary of the Treasury to the President, who shall hold the same in trust for the uses specified in the last will and testament of said Smithson, until provision is made by law for carrying the purpose of said bequest into effect; and that the annual interest accruing on the stock aforesaid shall be in like manner invested for the benefit of said Institution.

*July 7, 1838.*

The following section providing for the investment of the Smithsonian fund became a law:

An act to provide for the support of the Military Academy of the United States for the year 1838, and for other purposes.

SEC. 6. *And be it further enacted*, That all the money arising from the bequest of the late James Smithson, of London, for the purpose of founding at Washington, in this District, an institution to be denominated the Smithsonian Institution, which may be paid into the Treasury, is hereby appropriated, and shall be invested by the Secretary of the Treasury, with the approbation of the President of United States, in stocks of States, bearing interest at the rate of not less than five per centum per annum, which said stocks shall be held by the said Secretary in trust for the uses specified in the last will and testament of said Smithson, until provision is made by law for carrying the purpose of said bequest into effect; and that the annual interest accruing on the stock aforesaid shall be in like manner invested for the benefit of said Institution.

(Stat., V, 267.)

*July 9, 1838—House.*

Mr. W. B. CALHOUN, of Massachusetts, submitted resolution:

*Resolved*, That the President of the United States be requested to cause to be laid before the House during the first week of the next session of Congress all such communications, papers, documents, etc., now in the possession of the Executive, or which can be obtained, as shall elucidate the origin and object of the Smithsonian bequest, and the origin, progress, and consummation of the process by which that bequest has been recovered, and whatever may be connected with the subject.

Agreed to.

*December 10, 1838—Senate.*

*Message from the President of the United States.*

WASHINGTON, December 6, 1838.

*To the Senate and House of Representatives of the United States:*

The act of the 1st July, 1836, to enable the Executive to assert and prosecute with effect the claim of the United States to the legacy bequeathed to them by James Smithson, late of London, having received its entire execution, and the amount recovered and paid into the Treasury having, agreeably to an act of the last session, been invested in State stocks, I deem it proper to invite the attention of Congress to the obligation now devolving upon the United States to fulfill the object of the bequest. In order to obtain such information

as might serve to facilitate its attainment, the Secretary of State was directed in July last to apply to persons versed in science and familiar with the subject of public education for their views as to the mode of disposing of the fund best calculated to meet the intentions of the testator and prove most beneficial to mankind. Copies of the circular letter written in compliance with these directions and of the answers<sup>1</sup> to it received at the Department of State are herewith communicated for the consideration of Congress.

M. VAN BUREN.

Ordered to be printed with the accompanying documents.

*December 10, 1838—House.*

Two messages from the President of the United States.

*To the House of Representatives of the United States:*

I herewith transmit to the House of Representatives reports from the Secretary of State and the Secretary of the Treasury, with accompanying documents, in answer to the resolution of the House of the 9th of July last.

M. VAN BUREN.

WASHINGTON, *December 7, 1838.*

Referred to a select committee.

Mr. John Q. Adams, Mr. F. O. J. Smith, Mr. Charles Ogle, Mr. Charles Shepard, of North Carolina, Mr. Orrin Holt, Mr. Waddy Thompson, Mr. Wm. H. Hunter, of Ohio, Mr. John P. Kennedy, and Mr. James Garland, of Virginia, were appointed said select committee.

For second message see Senate proceedings, December 10.

Referred to the select committee last appointed.

*December 20, 1838—House.*

Mr. JOHN QUINCY ADAMS presented a memorial of Charles Lewis Fleischmann, a citizen of the United States, showing the importance of and the benefits which may arise from the establishment of a national agricultural school as a branch of the Smithsonian Institution; which memorial was referred to the select committee appointed on two messages from the President in relation to the Smithsonian bequest. (See p. 155.)

On motion of Mr. JOHN QUINCY ADAMS,

*Ordered,* That the memorial of Walter R. Johnson for an institution for experiments in physical sciences, presented May 21, 1838, be referred to the select committee appointed on two messages from the President in relation to the Smithsonian bequest.

Memorial of Prof. Walter R. Johnson:

The memorial of the undersigned, a citizen of the United States, respectfully represents—

That, having been for many years devoted to the investigation and elucidation of those departments of science which pertain to the practice of the useful arts; and having, as he conceives, witnessed on various occasions the serious detriment which

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<sup>1</sup> Printed in Smithsonian Miscellaneous Collections No. 328, p. 837.

the public interest has suffered from the want of a national institution to encourage and facilitate the cultivation of those departments of knowledge on which these arts are founded, he has at this time ventured to present himself as a memorialist before your honorable bodies, and to ask permission to set forth the importance and necessity of such an institution to the country, and its claims to the countenance of the Government of the United States.

In a clear comprehension of the internal resources of the country the whole nation possesses a deep and a growing interest, and in those vast portions of territory constituting the public domain the Government has a stake of immense magnitude. But great as these interests are, and much as they demand the services of men professionally devoted to their elucidation, the United States as yet possess no institution appropriated to the formation of those habits and the acquisition of that skill which might insure the success of such researches.

The want of an institution for these purposes is daily rendered more striking, in proportion as the enterprise of our citizens is enlarged, and as a reliance on our own resources becomes the more obviously necessary. But the determination of the value of the natural resources of the country is far from being the only motive for the establishment of an institution for prosecuting researches in physical science. Those resources require to be applied and improved, as well as discovered and described.

A further purpose, therefore, to be effected by such an institution is the enlarging of those resources by the introduction of improvements in agriculture and by naturalizing the productions of other climates to the soil of our widely extended territory, the encouraging of those arts which are essential to our national prosperity and independence, the diffusing of important information respecting the commercial value of our different resources, the examining of questions in every department of physical research connected with the public service, and the preventing of those impostures to which both individuals and the public are liable while important physical truths remain unexplained.

Motives of higher import are not wanting; inducements drawn from an exalted patriotism might be presented in favor of such measures as might place our national resources, institutions, and arms of defense above a dependence on the science of foreign nations.

In recognizing the important truth that the power, freedom, and happiness of nations are essentially connected with a comprehension of their own natural advantages, not less than with the wisdom, firmness, and prudence of those who are exalted to civil authority, we discover at once the vast magnitude of the obligation imposed on the people of this Union to become thoroughly acquainted with the resources of their country.

It is said, and said truly, that every freeman should understand the civil constitutions of the country which secure his rights; and is it less imperative to understand its physical constitution, which secures his existence?

Whoever loves his country would see her great, powerful—loved at home and respected abroad. And what element in her greatness, her power, her loveliness, her respectability is more sure to win the affections than the rich abundance of her natural advantages and the ability of her citizens to comprehend, to develop, and enjoy them?

It is a mark of a meek colonial dependence to remain ignorant of all but the most obvious features and productions of a country, and it is an evidence of something worse than colonial dependence for a nation professing to be independent to receive from foreigners all the knowledge that they ever acquire of the natural features and resources of the country, and of their application to useful purposes. Why need we cite the examples of antiquity? Why go to India, to Africa, to New Holland to seek illustrations of this truth? What is the condition of the colonies still remaining on this continent in regard to a knowledge of their respective territories? With what

jealousy did the courts of Madrid and Lisbon spread for three centuries a midnight of ignorance with regard to the arts over the fairest portions of the globe!

And what was the state of the useful arts in those countries at the moment when they at last greeted the uncertain dawn of a questionable liberty? What is their degree of weakness and irresolution, even at this day, superinduced by an habitual neglect of the bounties of nature and the achievements of art? How utterly at the mercy of strangers, how little competent to assert the dignity of any national character are most of the Spanish-American republics! It is not pretended that ignorance of their resources is the only cause of this degradation, but that the former may at least be considered a fair index to mark and measure the latter.

But it may be asked, What great national interests will be benefited by an institution like that now proposed? The reply is easy.

Wherever, in prosecuting his designs, man has occasion to call to his aid the energies of nature, there will researches in physical science find an appropriate sphere of action; and wherever any national interest involves the production or use of material objects, there must the energies of nature be more or less constantly put in requisition.

Among the prominent interests affected by the existence and operation of an institution for physical researches are those of agriculture, of the Army, the Navy, the public domain, engineering and topography; architecture—civil, military, and naval; the mining industry of the country and its interests in the success of the inventive genius of its citizens. To these must be added commerce and manufactures.

That all these subjects are regarded as public interests is, perhaps, sufficiently evinced by the fact that in the distribution of the subjects of legislation in Congress each, with the exception of mining, is deemed of sufficient importance to merit the attention of a separate standing committee of each House. Thus there is in each House a committee on agriculture, on military affairs, on naval affairs, on the public lands, on roads and canals, on public buildings, on patents and the patent office, on commerce, and on manufactures.

The foregoing statement is made in order to show that, in asking the attention of the national authorities to this subject, there is no design to obtrude upon their notice matters not already within the acknowledged and long conceded sphere of constitutional action; that there is no attempt to introduce a course of legislation on concerns foreign to those great interests of the nation for the protection of which the fundamental law has invested the legislature with ample powers.

1. In no department of industry is the need of experimental science more evident than in that of agriculture. The labor of research and observation in this department belongs alike to the botanist, the zoologist, and the chemist. The first should investigate the physiology and habitudes of all those vegetable productions which constitute so large a portion of the products of farming operations, together with the accidents, blights, and diseases to which they are liable, the insects by which their growth or usefulness may be affected, and the method of securing and reducing to a merchantable form the crops of each vegetable when matured. The introduction of exotic plants and the treatment which may insure their success in our climate, with the method of regulating and varying the succession of crops to avoid the exhaustion of soils, would appropriately fall under the same branch of the agricultural department.

The practicability and the proper methods of cultivating the vine, the olive, the mulberry, the sugar beet, the sisal and Manila hemp, the New Zealand flax, and other fibrous vegetables fit to furnish textures and cordage, would also appropriately fall under the botanical division of agricultural science.

The collections in this department would exhibit samples of not only the ordinary and the rare specimens of each plant, but also the diseased individuals and the vegetable monsters of each class, displaying, when practicable, the cause of such disease

or monstrosity. Under the botanical division is necessarily included, also, whatever pertains to horticulture and the management of fruit in all its varieties.

Zoology applied to agricultural purposes would make known the rearing and treatment of every species of useful domestic animals, whether bird or quadruped; the kinds of labor to which any of them may be applied while living; the diseases, contagious or otherwise, to which they may be liable; the value and uses of their living products, as milk, wool, hair, or feathers, and the importance to man of their flesh, sinews, bones, horns, and pelage, when slaughtered.

The best methods of domesticating or naturalizing desirable species of animals not now in use in this country, and improving the breeds of all such as may be susceptible of melioration, would likewise come under the cognizance of this department. To the same would pertain an examination of such of the inferior races of animals which are either useful, as the bee and the silkworm, or noxious and destructive, as the Hessian fly, the locust, the weevil, and the canker worm, as well as of those parasitic insects which often prove so annoying and destructive to the larger animals, together with the methods of their extermination. In short, an agricultural study of animal beings must deal with the physiology and structure of each race in every stage of its existence. How wide is this field of inquiry, and how momentous to the interests of agriculture, needs not to be demonstrated.

But to the chemist is assigned, in connection with agriculture, a branch of duty not less important, and, if anything, more difficult, than to either of the preceding. To him belongs not only the duty of ascertaining the constituents of every soil, and the ingredients which render it either barren or fertile, which adapt it to peculiar productions, which cause it to require more or less labor in the tillage, but also that of determining the nature of the dressing which may restore it when exhausted, whether the same should consist of animal, vegetable, or mineral substances, and in what proportions. He must also examine the constituents, immediate and ultimate, of each vegetable, and trace the relation between the character of a soil and that of the vegetable substances which it is capable of producing.

In various parts of our country it is well known that shell and other limestones, marl, gypsum, and alluvial deposits of various kinds are resorted to for furnishing the dressings of worn-out or barren soils; and yet it is equally well known that not every soil is alike benefited by the same dressing. Even among the marls, some produce an effect absolutely injurious on the very soils which others would fertilize in a high degree. Hence the importance of designating, by means of chemical analysis, the fertilizing or nonfertilizing properties of every compost used in the dressing of land, its adaptation to each soil, and its utility as applied to each production which that soil is designed to yield.

Though almost unknown in our country, and unapplied to its industry, the subject of agricultural chemistry has not been deemed unworthy to engage the best talents of European chemists. In proof of this, we need only recur to the names of Henry and Ure and the immortal Davy.

The three branches of agricultural science above described would in their several collections present an exhibition of exceeding interest, and one every way worthy to fix the attention of the multitudes of citizens who annually visit the seat of Government, as well as of the assembled representatives of the people.

Stored in appropriate receptacles would be found the botanical treasures of every portion of our Territory and the useful products of every foreign clime; so that, while our conservatory of arts and trades, now rising with increased splendor from the ashes of its late conflagration, shall receive the monuments of inventive genius, the contemplated depository of our natural riches would soon vie with it in curiosities and in usefulness.

2. Of the importance to the military interests of the country of an institution like that herein proposed no doubt can be entertained when we take into view the great

number of practical subjects which, in that service, it is necessary to determine by actual experiment. Questions relating to the form, construction, and efficiency of ordnance and arms of every description, the effect of projectiles as related to their weight, bulk, and velocity and to the charges by which they are projected, or to the length, weight, windage and other circumstances of the guns employed to the durability of the latter as dependent on the quality of metal used in their fabrication, or on the method of casting and subsequent preparation for service, are often presented for solution.

In connection with the products of a national foundry, should such an establishment be authorized the prosecution of experiments would be of the utmost consequence, and they certainly can not be less important when the ordnance for our Army and Navy is manufactured entirely by contract. Much of that skill which is required in the fabrication of small arms is dependent on a just application of scientific principles, and careful researches into the nature of the materials and the best methods of working them is often demanded. Nor are inquiries for this department of public service confined to one or a few materials. Iron, copper, and zinc, brass, and many other alloys; materials for tents, clothing, and accouterments; the whole range of substances employed in pyrotechny; the materials for constructing fortifications, whether on the seaboard or in the interior; for gun carriages and other vehicles; for portable bridges, and for every species of camp equipage, are among the objects of attention in this connection. Nor must the influence of heat, moisture, and other causes in destroying the various materials employed in the military service or the means of preventing their injurious effects be omitted.

The interests of the Army then require many series of experimental inquiries. And though for the purposes of educating youth to the profession of arms it is admitted that we have an institution which has received many high encomiums for excellence, yet it is certain that original investigations of physical truth are not the objects contemplated or mainly pursued in that establishment. Consequently its existence in full activity and usefulness does not diminish the necessity of a national institution for the purposes now proposed.

3. To the naval service of the country the subject offers a great variety of important considerations. The whole business of navigation, whether for commercial or for warlike purposes, ought to be founded on the most accurate scientific principles; and every motive which should impel the mechanic or engineer to guide his practice by the lights of science is equally or more urgent on the mariner. In the prosecution of his adventurous enterprise the latter must encounter every element of nature. Taking, as we now do, steam navigation into the account, we find him engaged at the same moment in a conflict between fire, air, earth, water, light, heat, electricity, galvanism, magnetism, chemical action, and the gravitating forces of the earth, the ocean, and the atmosphere.

To enable him to contend successfully against these various forces, he must, in addition to the principles of the art of navigation, with no mean modicum of astronomy, bring to his aid an extensive range of physical sciences. Not that a staunch, well-equipped vessel must necessarily require in him who directs her course all these qualifications; the above remarks are intended to apply to nautical science and practice as a whole, embracing whatever belongs to the naval profession. This requires investigations to be made into the good qualities and the defects of different species of timber, the influence of the season of cutting on the durability of its various kinds, and the most effective and economical methods of preventing decay.

Among other materials for naval use requiring attention are those of cordage, in all their varieties, from the rigid hempen ropes of our own manufactories to the rude coir cable of the east, buoyant and elastic, floating clear of a rocky bottom, where the heavier hempen line would be chafed and destroyed; and from the delicate production of Manila to the stouter staple of the sisal hemp of Yucatan.

Far from being distinctly known and their several qualities clearly discriminated,

these different materials have hitherto been scarcely distinguished by their proper names, even among our mariners and merchants. And the names, characters, and habitudes of the plants which produce the textile fibers have, if possible, been less clearly understood than the peculiar properties of the cordage itself. Thus the name "sea grass" is sometimes applied to the fibers of a fleshy perennial plant of the agave genus, which grows on dry, rocky hills, far in the interior of the country. The influence of heat and moisture on all the different materials employed for either cordage, sails, hammocks, bags, or clothing presents a wide field for useful research. The relative strength and durability of tarred and white cordage has already engaged attention in Europe, but further inquiries spring up as new materials are introduced.

Not less important than either of the preceding topics is that of the strength and other properties of iron, as applicable to the fabrication of chain cables and smaller chains for standing or running rigging (the latter particularly for steam vessels), and of bolts and anchors for all the various sea and river craft. Not only the strength and elasticity but the chemical purity also of this material and its power to resist corrosion are objects of deep interest.

The naval and commercial marine interests are alike involved in an inquiry into the possibility of obtaining an economical substitute for copper for the sheathing of vessels, and whether that material itself may yet be defended from the corrosion which now causes so heavy a charge on the Government as well as on the private shipowner. A movable galvanic armature has been suggested for this purpose, but awaits a trial of its efficacy.

Other subjects of inquiry likewise press upon the attention, such as the most efficient and economical forms of pumps and the best methods of working them; the best modes of heating, ventilating, and disinfecting vessels at sea, and of freeing them from vermin; of preserving every species of provision on long voyages; the practicability of obtaining fresh water by any convenient apparatus for distillation on shipboard; and the most effective means of securing ships from electrical discharges. Time would fail us to enumerate all the beneficial results of an enlightened application of science to the operations of dock yards, to the construction and use of dry docks, screw docks, floating docks, and marine railways.

To show that the importance of science to the naval interest is not herein overrated, it may not be amiss to mention that a single division of science applicable to this service of naval construction, that of the influence of form on the flotation and motion of solid bodies in liquids, has not been thought unworthy to occupy the attention of some of the ablest philosophers and experimenters of France, Sweden, and England. The names of Bossut, of Lagherjelm, and of Beaufort are vouchers for the truth of this assertion. The labor of the last-named author, in which it appears that his wife was a frequent participator, was truly herculean; and the splendid publication and gratuitous distribution by their son of the thirty years' scientific labors of his parents is a method of building a monument as novel and touching as it is liberal and affectionate, while the monument itself is more honorable, perhaps, than any which the pencils, burins, and chisels of Britain have ever produced.

4. If from the public defense, both military and naval, we pass to the public revenues, especially to that part which is derived from the sale of the public domain, we readily find ample reason to sustain a call for scientific investigations.

The agricultural value, the geological structure, the mineral resources, the botanical productions, the supplies of water for manufacturing purposes, the true geographical position, and the force and present direction of terrestrial magnetism in the regions where the public lands are situated are circumstances to be attentively examined in prosecuting a survey of those lands.

The analytical chemist will decide the value, for mining purposes, of those regions, which the geologist and mineralogist shall have explored; while the engineer will note whatever advantages and facilities may be offered for internal communications.

The formation of a geological and mineralogical collection would result, of course,

from the surveys and examinations contemplated in the foregoing remarks. And none, surely, can doubt the ability of our country to furnish collections which may stand in competition with the richest and most celebrated in Europe. Though it is true that mineralogical exploration, the art of mining, and the chemical analysis of minerals are almost in their infancy amongst us, and though it will be remembered that even geological inquiries in this country have not surpassed the time of a single human life, since the father<sup>1</sup> of American geology is still among the living; and though, as a natural consequence, we yet know comparatively little respecting the treasures of our mountains and forests and prairies, still, enough is already known to warrant the brightest anticipations for the future.

As it regards mineral fuel, the American continent appears to be peculiarly distinguished. In one or another of its varieties that material is found in Nova Scotia, in Massachusetts, Rhode Island, Pennsylvania, Maryland, Virginia, Ohio, Indiana, Illinois, Kentucky, Tennessee, and Missouri; on the Yellowstone River on the eastern, and the Columbia on the western, side of the Rocky Mountains; in the Province of Durango, in Mexico; in the island of Cuba; on the lofty Andes of Peru; at the Cerro di Pasco and Huallanca, bordering on perpetual snow, and near the level of the sea at the city of Concepcion, on the coast of Chile. But in the Central and Western States of this Union the greatest abundance and variety of this fuel has hitherto been discovered. It is hardly more than thirty years since so little was known of the coal of Pennsylvania that a wealthy and enterprising citizen who had caused a wagonload of excellent anthracite to be transported from the valley of Wyoming to Philadelphia at an expense of \$50 a ton, and had parceled it out for trial among his friends, was soon beset by the latter with rebuke and ridicule for having, as they alleged, attempted to palm upon them a heap of black stones, under pretense of their being coal, while in fact they could no more ignite them than if they had been so much granite. A fortunate occurrence at length dissipated their incredulity and saved the credit of the worthy citizen; and the results of that interest which was thus awakened on the subject have led to a knowledge of the mineral resources of that State far more accurate than had ever previously existed.

A view of the map of Pennsylvania presents us with nearly the form of a parallelogram, of which the eastern end is replaced by the irregular line traced by the course of the Delaware River. If lines were drawn parallel to the western boundary of the State, running north and south, 1 mile apart, so as to divide the whole State into strips 1 mile wide, proceeding eastward and ending with the first of those lines which should strike the Delaware River, every one of those belts would, it is confidently believed, contain some portion of a coal field; and if these dividing lines were crossed by others a mile apart, running east and west, dividing the State throughout its whole breadth into similar strips, every one of the latter, except perhaps a few on the northern border, would also contain more or less coal; and we could scarcely draw over the surface of that State, in any direction, a straight line equal in length to the breadth of the State without traversing a bed of iron ore, or of limestone, or of both. It is not doubted that equally interesting proofs of the prodigality of nature toward our country may be found in other States and Territories of the Union, nor is it necessary to dwell on the importance of obtaining accurate information respecting them.

In regard to our extensive lead mines, the value of such information will be readily perceived by comparing the present abundant supply of that article with the condition of things when it was obtained only by importation, and when organ tubes of that metal were taken from the churches to yield a scanty supply of bullets to Washington's little army at Cambridge.

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<sup>1</sup> William Maclure, esq., author of *Geology of the United States*, resident in the city of Mexico; April, 1838.

It is unnecessary to dwell on the importance of obtaining accurate information respecting the metals employed for coin. Whatever materials the financial wisdom of the nation shall at length decide to render current as the medium of exchange and the standard of value, our mines of the precious metals, their nature, extent, and richness, must ever remain objects of deep interest, both to individuals and to the public.

The value to be attached to our materials for architectural constructions and other ornamental purposes yet remains to be fully developed. Enough, however, is known to assure us that we have among our marbles for massive structures those which may vie with the Pentelicum of Greece; for ornamental furniture, with the variegated species of Egypt; and for beautiful statuary, with the snow-white Cararra of Italy. With lithographic limestone we need no longer call on Germany to supply us. Our mineral colors, hydraulic cements, and fire clays need only be better understood in order to supersede entirely similar articles from abroad.

A patriotic resolution of one branch of the National Legislature has recently decreed that the bust of one of our most eminent revolutionary statesmen shall henceforth rest on a massive fragment of that iron mountain found in the rich and productive region which, by a bloodless and honorable purchase, his sagacious counsels annexed to our beloved country. Would that our thirty years of possession had taught us other uses of that ore than to lie in unshaped masses as pedestals for our patriots. Then might we boast some greater share of that real national independence, to the attainment of which the whole life of our Jefferson was devoted.

5. Passing to the interests of the country, as involved in her internal improvements, we find much to occupy the attention of scientific inquirers; and as the revenues of the nation are more or less directly benefited by those improvements, it is perhaps but reasonable that the science to design and the skill to execute those works should be supplied by means of a national institution. To a limited extent our practice has sanctioned this course. Surveyors and engineers in the service of the Government have, in a few cases, been placed at the disposal of the State authorities. For reasons sufficiently obvious, however, no permanent reliance can be placed on such a diversion of military officers from the peculiar duties for which the Government has caused them to be educated.

Incidental to the subject of internal commerce is that of locomotion, whether on land or on water, embracing every inquiry relative to steam navigation, the causes of explosions, and the methods proposed for insuring safety.

Another incident to this division of the subject is the introduction into our mining and metallurgic processes of those improvements which may free our country from a dependence on foreign skill, foreign shipping, foreign insurance, commission, and brokerage for every yard of railroad iron which is laid throughout the length and breadth of the land. Over our very richest beds of iron ore and coal and limestone are laid bars of foreign iron, extending far away and crossing each other in various directions, while through their gratings the country looks out at an importunate creditor beyond the Atlantic. No small portion of the hundred millions which have been borrowed from Europe for the purposes of internal improvement have been applied to the procuring of this article—an article which it requires no very daring spirit of prophecy to assure us will one day be exported in immense quantities from the United States.

6. In reference to the subject of architecture and public buildings, the acquisition of information by experiment would often prove a most economical investment of a moderate portion of the means devoted to such constructions. Besides all the interesting inquiries relating to the form, strength, and durability of materials, the permanency of foundations, and the adhesion of mortars and cements, we have various questions concerning the influence of temperature in the expansion of building materials and of the proper forces to be opposed to such expansions, as well as to other

disturbing causes which might endanger the stability of large structures. A competent knowledge of these various subjects would enable our architects to insure the permanency of their works without involving the expenditure of enormous sums, either to replace ill-constructed, tottering edifices or to surmount imaginary impossibilities.

Other subjects of inquiry, incidental to the department of art now referred to, would also merit attention. An understanding of the laws which regulate the motions and reverberations of sound would not be found unprofitable to those who construct halls for the sessions of legislative and judicial bodies. Exemplifications of this statement are but too well known at the seat of government.

Many of the truths which experimental research might develop would be equally applicable to every species of architecture, whether civil, military, or naval. Many would have reference chiefly to buildings on land, while others would pertain exclusively to submarine constructions, such as the foundations of piers and docks, sea walls, and breakwaters.

7. That the country has such an interest in the inventive genius of its citizens as would authorize the establishment of an institution capable of testing the value, as well as of proving the novelty, of any invention seems to have been fully admitted by the Constitution and laws of the United States.

Several appropriations have, indeed, already been made for special purposes of this nature, and others have been recently asked for objects highly deserving of consideration, as connected with the welfare and safety of the public. The advantages to be expected from this particular application of scientific labor are not limited to any one great interest. In every branch of the public service inventions and improvements may be found beneficial, and in all of them may investigations be deemed necessary before an impartial decision can be anticipated.

8. The bearing of numerous investigations on the vast and complicated interests of commerce is, perhaps, too obvious to require even the slightest elucidation. Whatever facilitates navigation, such as improvements in steamboats or other vessels; whatever diminishes the risks attendant on its prosecution, as improvements in charts, beacons, light-houses, telegraphs, and lifeboats, and whatever transmits rapidly information, or funds, or persons, or merchandise, is essentially interwoven with the prosperity of commerce.

9. And since all the facilities and improvements in commerce, all the elements and productions and moving forces of nature, all the inventions of ingenuity, all the obscure movements of mining industry, all the skill of the architect, all the science of the engineer, and all the productions of the agriculturist are directly or indirectly conducive to the manufacturing and mechanical interests of the country, there can not exist a doubt of the value to those interests of an institution for researches in practical science.

It is by no means supposed by your memorialist that all the ramifications of each of the great interests, which have now been shown to have a stake in the advancement of useful knowledge, would come simultaneously under investigation. Researches in each would naturally follow in the order of its relative importance and of the facilities for its examination. To obtain these facilities would be a primary step in the operations of the establishment.

The foundation of an institution for practical science is, in itself, no novel project for the enlightened government of a civilized nation to entertain. What an intelligent stranger might, perhaps, consider more remarkable in the case is the fact that so long a period has been allowed to elapse without witnessing an attempt to erect in our country such an institution. If examples were required, we might find them in England, in her Royal Institution and Society of Arts; in Scotland, in the Andersonian Institution, at Glasgow; in France, in her Polytechnic School and School of Mines; and in Prussia, in her "Gewerbverein," at Berlin. To these might be added some local establishments in our own country. But even if no precedent existed, it

would be no valid argument against a measure prompted by reason, recommended by utility, sanctioned by our national position, and demanded by so many important public interests.

For the accomplishment of an object so comprehensive in its design, a considerable amount of means would doubtless be required; and your memorialist would have hesitated to offer at this time his views on a plan for augmenting the public expenditures had such been deemed a necessary consequence. And though firmly persuaded that, either for the public or for individuals, no fund is more safe or productive than that of useful knowledge, and that in none other could a more judicious investment be made, yet it is believed that even the admission of these truths is not required in order to obtain means applicable to the purposes now contemplated.

A considerable fund has been represented as likely to be soon forthcoming, through the hands of an agent specially delegated to Europe, under provision of law for that service, to obtain a legacy left to the United States for the express purpose of founding an institution for the "increased diffusion of knowledge among men." While, therefore, your memorialist would solicit your honorable bodies to establish by law an institution for the purposes herein contemplated, he would also respectfully submit the propriety of inquiring whether such purposes be not the most appropriate to which the Smithsonian legacy can be devoted, whenever the same shall have been received in the United States; and should this be determined in the affirmative, then to apply said legacy to the carrying into execution of said law and to the promotion of the several objects herein set forth.

Respectfully submitted.

WALTER R. JOHNSON.

*January 9, 1839—House.*

On motion of Mr. JOHN QUINCY ADAMS, from the select committee appointed on two messages of the President of the United States in relation to the Smithsonian bequest, it was—

*Ordered,* That the memorial of Charles Lewis Fleischmann be printed, and that the drawings accompanying the same be lithographed.

PATENT OFFICE, *Washington, December 8, 1838.*

*The Senate and House of Representatives:*

The memorial of Charles Lewis Fleischmann, a citizen of the United States, respectfully represents;

That your memorialist had the honor of laying before Congress, at their last session (see document of the House of Representatives, Twenty-fifth Congress, second session, No. 334), a memorial on the subject of agriculture, in which he endeavored to show the utility and importance of establishing an agricultural school at the seat of government; while at the same time he entertained doubts whether Congress were constitutionally empowered to effect so desirable an object. This object, however, can now be attained without involving any constitutional questions, as Congress has come into the possession of the Smithsonian legacy, for "the diffusion of knowledge among mankind," a bequest bestowed in terms so general that it can not fail to embrace the object of this memorial, and it is left solely to the wisdom of Congress to designate the particular branch of knowledge which they may please to select for the purpose of carrying into effect the intention of the testator, and thus attain the end of his enlightened philanthropy and accomplish the object of his munificent benefaction.

As the Government are annually adding vast tracts of valuable lands to the public domain, Congress will doubtless regard the consideration of agriculture as among its first duties, as well as one of the most important means of promoting the welfare and prosperity of the country—a country blessed beyond all others by the bounty of

nature and the patriotism of its citizens, and surpassed in the freedom of her institutions only by the diversity and fertility of her soil.

It is a self-evident proposition that agriculture is the basis of civilization as well as population. A neglect of this great truth has doomed the aborigines of this country again to the desert, and dwindled down their countless hosts to a few feeble tribes—a few solitary and starving stragglers roaming at large like the beasts of prey they once pursued in the chase.

The Romans, though a warlike nation, considered agriculture as one of the chief sources of their wealth and welfare, and regarded its systematical pursuit as both honorable and patriotic. Cincinnatus was twice called from his plow to the consulship, and once to the dictatorship, returning each time again to his plow.

The American Cincinnatus, who has so well earned the title of "Father of his Country," resembled the Roman patriot not less in his principles and pursuits than his fortunes and honors. Twice called to the Chief Magistracy of his country, and once to the chieftaincy of her armies, he returned again and again to his plow.

The governments of Europe in the eighth century, to save the soil from deterioration and prevent emigration, were obliged to establish by law the "three-field system," viz, fallow, wheat or rye, and barley or oats, which may still be traced in France and Germany. To this law Europe owes her advanced state of civilization.

As the population became more dense a higher degree of knowledge in agriculture was required, and several efforts were made to accomplish it, among others the establishing of professorships in universities to teach agriculture to statesmen, lawyers, theologians, and physicians. This gave rise to the perfection of agriculture as a science, but as universities are not calculated, in many respects, to educate agriculturists, agricultural schools were established to illustrate theory by practice, which had the desired effect.

This brief historical sketch shows the gradual rise of European agriculture, which the science of chemistry and physiology is now bringing to the greatest perfection.

Let us now compare the general system of agriculture of this country with that of Europe, and we shall find that the one adopted here is the system of deterioration and emigration.

That the effect of such a system will and must have a very injurious influence on the prosperity of a country is obvious. Unfortunately the cause does not arise alone from the insufficient knowledge of agriculture, but also from the passion for wealth.

Wealth has always been the object of the ambition of individuals as well as of nations, notwithstanding the sound arguments of moralists. This passion, however, kept in proper limits, gives impulse to prosperity; but as soon as it degenerates into wild speculations it is then the greatest obstacle to the liberty, independence, and prosperity of mankind.

But when wealth is produced by agriculture it banishes idleness and the vices connected with it; it renders the greatest portion of the population strong, healthy, and industrious; it is the source of domestic happiness and contentment, and of all the other social virtues; it renders nations powerful; it attaches its citizens to their native soil, and the success of the national affairs is their highest interest.

To direct the besetting passion for wealth properly, and to promote the prosperity of every individual as well as of the whole nation, it is necessary to teach the great mass of the population (the agricultural class) how to gain the greatest clear and annual profit, under all existing circumstances, from agriculture; and what will be the most efficient means of checking the rapidly increasing evil of exhausting and abandoning the soil.

The prosperity of the whole Union has not hitherto, it seems, suffered by this system of unsteadiness; but that is no proof of the welfare of the separate States, for, in proportion as the far West improves and prospers, the Atlantic States are declining; and it shows that the welfare of a State depends on the stability of its cultivators,

contented with their portion, and manifesting a determination to identify themselves with the land of their fathers (not thirsting after supposed fairylands, cultivated without labor), a living example of which is to be found in the wealthy sons of the Keystone State, Pennsylvania.

It would be ridiculous to suggest the improvement of agriculture in this country by laws among a free, independent, and enlightened people, who are already aware of the want of instruction and are seeking for it. The different State governments, the agricultural societies, and the agricultural journals have all signally promoted the interests of different branches of agriculture. It wants only the knowledge of the means of putting the improved parts of this great and useful machine together, so that every part may operate according to the law of science to produce the desired effect.

A beginning only is wanted, and the science of agriculture will spread over the whole Union, like all useful improvements. Congress, always acting wisely for the welfare of their country, will doubtless apply a portion of the Smithsonian legacy to the promotion of agriculture by establishing an agricultural institution, which would be an enduring monument in honor of the testator.

Your memorialist, therefore, presents a plan of such an institution, with designs for the buildings and estimates for all the requisites.

Such an institution, being the first in the United States, would be the nursery of scientific agriculturists for the whole Union; their education should therefore be as perfect as possible, to enable them to qualify themselves to serve as directors, professors, and superintendents for similar establishments.

This institution is calculated for 100 pupils; and the number should be increased by degrees, from the profits of the farm.

The lectures should be free and the price of board moderate, as half of the number of the pupils should be practically employed every day on the farm.

For the convenience of medical attendance in cases of sickness, together with the facility for attendance at divine worship, this institution should be located within the boundary of the city of Washington.

#### AGRICULTURAL INSTITUTION.

The object of such an institution should be to show how to gain the highest clear and permanent profit from agriculture, under any circumstances.

That such results are not effected by the mere imitation of a certain tillage in every climate, of different soils and localities, is obvious; it needs, therefore, rules and laws founded on experience and science. To design such rules and laws, it requires scientific and practical knowledge. Therefore the institution of an agricultural school must be theoretical and practical. The theoretical instruction has to extend not only to the principal and secondary departments, but also to all the auxiliary sciences which influence agriculture, directly or indirectly, viz:

#### PRINCIPAL DEPARTMENT.

I. Agronomy, the science which treats of the different primitive earths and other substances of which the soil is composed, viz, silex, alumen, lime, magnesia, iron, vegetable matter, etc.

The naming of the soils, from the mixture of the primitive earths, and their value, as resulting from this mixture.

II. Agriculture, the science teaching the cultivation of the respective soils in such manner as to produce the most perfect crops. This is divided into two parts:

1. Chemical agriculture, treating of—

- (a) Manures in general.
- (b) Vegetable manures.
- (c) Mineral manures.

## 2. Mechanical agriculture, treating of—

- (a) Agricultural implements.
- (b) Modes of plowing.
- (c) The cultivation of new land.
- (d) Fencing.
- (e) Draining.
- (f) Irrigation.
- (g) Culture of meadows.
- (h) Culture of pasture lands.

## III. Vegetable productions, teaching the culture of—

- (a) Cereal grasses.
- (b) Leguminous field plants.
- (c) Plants cultivated for their roots.
- (d) Herbage plants.
- (e) Grasses.
- (f) Plants used in arts and manufactures; such as flax, tinctorial plants, oleaginous plants, hops, tobacco, medicinal plants, etc.
- (g) The vine.
- (h) The mulberry.
- (i) Fruit trees.

## IV. Animals used or reared by the agriculturist—

- (a) Horses.
- (b) Mules.
- (c) Cattle—
  - 1. Dairy.
  - 2. Fattening.
- (d) Sheep, and particularly the knowledge of the different kinds of wool.
- (e) Breeding and rearing swine.
- (f) Fowls.
- (g) Silkworms.
- (h) Bees.

## V. Economy, or the manner of arranging and conducting a farm, treating of—

- (a) Labor in general.
- (b) Labor with horses and oxen.
- (c) Labor performed by men.
- (d) Conducting a farm.
- (e) Bookkeeping.
- (f) The arrangement of a farm; the nature and quantity of manure required for a certain system of rotation of crops.
- (g) Change of system.
- (h) The different systems of rotations.

## SECONDARY DEPARTMENT.

- 1. Veterinary.
- 2. Technological agriculture, such as the making of sugar from beets, making cider, burning lime, etc.
- 3. Culture of forest trees.
- 4. Agricultural architecture, and
- 5. Civil engineering as connected with agriculture.

## AUXILIARY SCIENCES.

- 1. Chemistry.
- 2. Natural philosophy.
- 3. Mineralogy and geology.
- 4. Botany and physiology of plants.
- 5. Zoology.

6. Study of the properties of the atmosphere.

7. Mathematical sciences—

(a) Arithmetic.

(b) Theoretical and practical geometry.

(c) Mechanics.

8. Drawing of machines, animals, plants, and landscapes.

To illustrate the sciences there should be—

1. An extensive farm, with a field for experiments, workshops, beet-sugar manufactory, mill, etc.

2. A botanical garden.

3. A collection of the best and most approved implements or models of them.

4. A library.

5. A collection of minerals, properly arranged according to their chemical characters and with relation to their different soils.

6. An apparatus for mathematical and physical instruction.

7. A collection of skeletons of domestic animals for the study of comparative anatomy and the veterinary art.

8. A collection of insects.

9. A collection of seeds.

10. A laboratory, with apparatus for chemical experiments.

#### THE FARM.

The farm serves for the practical accomplishment of the theory. It is of the greatest importance to give a practical illustration of all the objects and manipulations treated of in the course of the lectures and according to the different periods and seasons.

The husbandry of such an institution must therefore be extensive and complicated, so as to show all branches of agriculture in their full extent. The operations which are not possible to be shown on a large scale should be exhibited on the experimental field. It should contain—

Six hundred and forty acres of land for cultivation, which should be divided in two equal portions to show two different systems of rotations. First, a system which has for its object to gain as many different products as possible and to procure the manure by stall feeding, a system which is favorable where labor and capital are plenty, land valuable, and a ready market for the vegetable and animal products.

Rotation for the above-mentioned system, viz: 1, sugar beet, potatoes, turnips, etc., with manure; 2, barley; 3, clover; 4, wheat; 5, indian corn, with manure; 6, wheat; 7, tares and oats; 8, rye.

The second system, favorable when labor and capital are scarce, land plenty, and the object a grazing farm. The rotation of crops for this system would be, viz: 1, indian corn, with manure; 2, barley; 3, clover; 4, wheat; 5, grass; 6, grass; 7, grass; 8, oats.

As rotation of crops depends upon the soil, climate, and many other circumstances, two rotations are given here, for illustration, to enable us to estimate the probable want of cattle, etc.

One hundred acres of meadow, to show how natural meadows can be improved by draining, irrigation, manuring, etc.

Eighty acres pasturage, to show the difference between artificial and natural pasture and the manner of improving it.

A vineyard of 4 acres, for the culture of the indigenous and foreign vine; the manner of making wine.

A hop garden of 4 acres, to show the culture of the best kinds; the manner of taking the crop, drying, and bagging.

For experimental fields, 40 acres, to show the culture of all plants useful in agricul-

ture; to try new kinds; and also for experiments on manure, rotation of crops, and new agricultural implements.

A vegetable garden, 6 acres, for the supply of the institution, and to show the different varieties of vegetables useful in husbandry and the best culture of them.

A mulberry plantation of 6 acres, which should contain all the varieties of the mulberry, to show the culture of them, and would serve also to supply the cocoonery with leaves.

An orchard and nursery of 20 acres. The greatest portion of this area should be destined for a nursery to show the manner of raising and improving fruit trees. The fruits of the orchard should supply the establishment and show the process of making cider.

Five hundred acres of woodland, to supply the establishment with fuel, and to show the culture of forest trees (a knowledge very much wanted in the United States), the manner of burning charcoal, etc.

A botanical garden of 3 acres should contain all indigenous plants which might be probably useful and introduced in agriculture; also, the imported plants and seeds from foreign countries, by our navy officers, consuls, etc.; the medical plants for husbandry, etc.

#### A BEET-SUGAR MANUFACTORY.

The recent improvement in extracting sugar from the beet root has so much simplified the process that it will undoubtedly become a general business, so that every farmer will produce his own sugar, or at least raise and dry the beet for market. The object of this institution should be to diffuse the knowledge of so important a discovery, and therefore it should have a manufactory for extracting the sugar from the root, raised for that purpose by the institution and neighborhood.

#### A MILL.

A large institution of this description should grind its own flour and corn meal; consequently it becomes necessary to erect a mill, with two pairs of stones, which will also serve to show the pupils the management and construction of mills.

#### WORKSHOPS.

To give the pupils a knowledge of the manner of constructing agricultural implements, as well as to enable them to estimate the costs of machines, buildings, etc., and to apply the acquired theoretical principles of mechanics practically, there should be five workshops, viz: Machine shop, wagon maker's shop, blacksmith's shop, cooper's shop, and carpenter's shop.

Each of these shops should be conducted by a skillful mechanic, who could attend to the work required by the establishment as well as teach the pupils the use of tools.

The pupils should learn how to forge, to shoe a horse, to make a wheel or wagon, to stock a plow, and to build outhouses. It is not intended to make them masters of these trades, but to enable them in case of necessity to construct anything belonging to a farm.

#### STEAM ENGINE.

The mill, the apparatus of the sugar-beet manufactory, the straw-cutter, the thrashing machine, the machinery of the workshops, and the pump which supplies through a reservoir the whole establishment with water should be put in operation by an engine of 12 horsepower.

#### BUILDINGS.

The buildings for such an object should be substantial, plain, and economical. To this establishment would be required, viz: an institute or main building. (See plan Nos. 1 and 2.) The annexed plan (No. 3) shows: (a) horse stable, (b) ox stable,

(*c*) calf stable, (*d*) hospital stable, (*e*) cow house, (*f*) dairy, root, and steaming house, (*g*) piggeries and poultry house, (*h*) sheep shed, (*i*) barn and stack yard, (*k*) granary and cart shed, (*l*) shed for the gristmill, straw cutter, and threshing machine, (*m*) workshops, (*n*) beet-sugar manufactory, (*o*) engine with reservoir and pump, (*p*) bee house and cocoonery.

LIVE STOCK.

*Working cattle.*—Should the two given rotations of crops be adopted for 640 acres of land under cultivation, 14 horses and 24 oxen would be required to perform the necessary work.

For procuring the necessary manure for the two systems already mentioned, and to show the breeding, rearing, and fattening of live stock, extensively, there should be 2 stud horses (for light and heavy breeds), 16 breeding mares (exclusive of the working horses), 160 neat cattle, 1,200 sheep, 50 swine.

The live stock should consist of the most choice foreign and native breeds.

IMPLEMENTS.

A collection of the most important and approved implements should be at hand, viz: swing and wheel ploughs, cultivators, horse hoes, sowing machine, harrows, rollers, horse rakes, reaping and mowing machine, carts and wagons, straw cutter, threshing machine, corn sheller, root chopper, harnesses, &c.

PERSONS REQUISITE TO MANAGE THIS INSTITUTION.

A director, who should have the entire control over the whole establishment.

A treasurer and two clerks, to keep the accounts and attend to all the transactions of the institution.

For the tuition of the pupils, there should be five professors, and a teacher for the lower branches, exclusive of the director, who should lecture on the higher branches of agriculture.

The practical manipulations are illustrated by—

A superintendent of the farm.

A superintendent of the stables, who also teaches riding and breaking horses.

A superintendent of the sugar-beet manufactory.

A machinist.

A gardener.

A shepherd.

The domestic affairs of the institution should be attended to by a steward.

The prosperity of such an institution depends entirely on the director, who must have received a theoretical and practical education at an agricultural school, and must have enriched his knowledge by extensive practice and by traveling. He should be acquainted with the principal living languages, to inform himself and his pupils of the progress of agriculture in other countries.

The professors should be well versed in their sciences, and acquainted with agriculture; as the tuition of a science, with regard to the practical applications, demands not only an entire knowledge of the sciences, but also of the object to which it is applied.

The superintendents of the different branches should be practical men, and free from the prejudice of book-farming.

Every individual connected with the establishment should possess the best moral character.

CONDITIONS OF ADMISSION.

Every applicant for admission should present a certificate of his moral character, and be examined, possessing an ordinary English education, and capable of compre-

hending a popular course of lectures. Physical strength being requisite to perform the work required on the farm, they should be at least of the age of 14 years.

The number of pupils should not exceed 100 at the commencement of the institution, and should be divided into three classes.

The free, or third class, not exceeding twenty in number, should obligate themselves to stay two years and perform the work of the farm, where they should receive board and lodging free, every evening have a lecture on the work performed during the day, and also be exercised in reading, writing, and arithmetic. Their employment should be so arranged that everyone may become acquainted with all the different branches of the institution. Should the pupils of this class desire to enter a higher class after the first year, they should prove their capacity by an examination; and they will then be obliged, like the pupils of the second and first classes, to pay for board.

The second class, not exceeding sixty in number should stay two years, to acquire a theoretical and practical knowledge of agriculture and all the branches connected with it. The pupil of this class is obliged to attend to the different work every other day. Should a pupil of this class desire to enter the first class, he should be examined as to his capacity.

The first class, intended for twenty pupils. In this class such pupils only should be admitted as have been two years in the second class, and desire to perfect themselves as professors for similar establishments. The pupils of this class should have the superintendency of other pupils.

#### . ORDER OF THE DAY.

The signal for the hour of rising and retiring, as well as for the different meals, and the commencement and termination of the work, should be given by a bell.

The hour for rising in spring and summer should be half past 4 o'clock; in fall and winter, half past 5 o'clock.

One-quarter of an hour after rising, the bell should ring for breakfast; after which the pupils proceed to their different occupations in the stables, field, barn, garden, work-shops, etc., according to directions given the evening before.

At 10 o'clock a. m. the pupils should be summoned by the bell from their work, to their rooms, when they prepare themselves for dinner, and having a recess until 1 o'clock p. m., at which hour the pupils return to their work, during the spring, fall, and winter seasons; and at 3 o'clock p. m. during the summer season, according to the order of the day.

The bell should ring for supper during the spring, summer, and fall at 6 o'clock; during the winter, at 5 o'clock, which would give recess till 7 o'clock, when supper should be ready.

After supper, at about 8 o'clock, all the pupils should proceed to the museum, where the report of the day's work is read and illustrated; and at the same time the order for the next day's work is communicated to the pupils who have remained at home. They remain till 9 o'clock employed in writing their journals, reading, etc., at which hour the bell should ring for bed.

Half of the number of the pupils should each day be exempt from outdoor work, and remain at home engaged in theoretical studies. They assemble, after having taken breakfast with the rest of the pupils, at the museum, where they study their lessons. At 7 o'clock a. m. in fall and winter and at 6 o'clock a. m. in summer and spring they should proceed to the riding school and horse stable, where they receive lectures on horsemanship, and breeding horses, etc.

After this, they should return to the lecture rooms, where lectures on the different sciences are given until 11 o'clock.

At half past 11 o'clock a. m. they should take dinner with the rest of the pupils,

and have recess until 1 o'clock, when the regular lectures recommence till 6 o'clock p. m.

Supper at 7 o'clock, as already mentioned.

On Sundays the pupils will be accompanied to church by their professors.

*Estimate of cost.*

1,360 acres of land, fenced in, at \$30 per acre.....	\$40, 800
The buildings, inclusive of the furniture of the institute.....	60, 000
Live stock .....	20, 000
Implements, harness, a large balance scale, etc.....	5, 000
Apparatus of the beet-sugar manufactory .....	4, 000
Grist mill.....	1, 500
Pump, water reservoir, and hydrants.....	800
Steam engine of 12 horsepower.....	1, 500
Tools, lathes for workshops .....	600
Library.....	1, 500
Physical and chemical apparatus, collection of minerals, insects, skeletons, etc	3, 000
Floating capital.....	20, 000
<hr/>	
Making.....	158, 700

The expense for a steward, and servants required for the service of the pupils and professors, should be paid from the income of board.

The treasurer and clerks, and the superintendents of the different branches of the farm, should be paid from the revenue of the farm, of the manufactory, etc., and the surplus should be applied for the accommodation of more pupils, for the increase of the library, apparatus, etc.

The salary of the director should be, \$2,000; the salary of five professors, \$5,000; and that of a teacher, \$600, making \$7,600, exclusive of free board and lodging; which, together with the salaries, would require a capital of \$140,000 at 6 per cent.

The total sum required for this institution would amount to \$298,700.

CHARLES LEWIS FLEISCHMANN,  
Graduate of the Royal Agricultural School of Bavaria,  
and a citizen of the United States.

January 10, 1839—Senate.

Mr. ASHER ROBBINS offered concurrent resolution (S. 7):

*Resolved by the Senate (the House concurring),* That a joint committee be appointed, consisting of seven members of the Senate and such a number of said House as they shall appoint, to consider the expediency of providing an institution of learning, to be established in the city of Washington, for the application of the legacy bequeathed by Mr. James Smithson, of London, to the United States in trust for that purpose; also to consider the expediency of a charter for such an institution, together with the powers and privileges which in their opinion the said charter ought to confer; also to consider the expediency of ways and means to be provided by Congress, other than said legacy, but in addition thereto, and in aid of said benevolent intention; and to report by bill or bills, or otherwise.

Mr. ROBBINS remarked:

“The motive to this noble legacy was, as the will expresses it, ‘The increase and diffusion of knowledge among men.’ Noble, indeed, it was in every point of view; noble as coming from a stranger with whom this country had no personal relations; speaking at once his high sense of our merit while it proclaimed his own; noble in amount, and

may be made effective to its beneficent purpose; but, above all, noble for its destination—‘the increase and diffusion of knowledge among men,’ leaving it to the wisdom of Congress to devise and provide the institution that should be most effective to this end. It ought to be an institution whose effects upon the country will make it a living monument to the honor of the illustrious donor in all time to come. Such an institution, I conceive, may be devised, of which, however, at present there is no model either in this country or in Europe, giving such a course of education and discipline as would give to the faculties of the human mind an improvement and power far beyond what they obtain by the ordinary systems of education, and far beyond what they afterwards attain in any of the professional pursuits. Such an institution, as to its principle, suggested itself to the sagacious and far-seeing mind of Bacon as one of the greatest importance. But while his other suggestions have been followed out with such wonderful success in extending the boundaries of physical science this has been overlooked and neglected. One reason is that the other suggestions were more elaborately explained by him; there, too, he not only pointed out the path, but he led the way in it himself. Besides, those other suggestions could be carried out by individual exertion and enterprise, independently of the existing establishments of learning, or they could be grafted on and made a part of those establishments. But this required an original plan of education and a new foundation for its execution, where the young mind would be trained by a course of education and discipline that would unfold and perfect all his faculties; where genius would plume his young wings and prepare himself to take the noblest flights. The idea, however, was not entirely original with Bacon, for it would be in effect but the revival of that system of education and discipline which produced such wonderful improvement and power of the human mind in Greece and Rome, and especially in Greece. Its effects here, I am persuaded, would be many and glorious. Of these I shall now indicate only one, but that one whose importance all must admit. In its progress and ultimately it would give to our country, I have no doubt, a national literature of a high and immortal character. However mortifying to our national pride it is to say it, it must be confessed that we have not a national literature of that character; nor is it possible we ever should have, as it appears to me, on our present systems of education. Not that our literature, such as it is, is inferior to that of other nations produced at the present day. No; mediocrity is the character of all literary works of the present day, go where you will. It is so in England, it is so in France, the two most literary nations of Europe. It is true learned men and great scholars are everywhere to be found; indeed, they may be said to abound more than ever; the whole world, too, has become a reading world; the growth of the press is prodigious; but it is all ephemeral and evanes-

cent—all destined to the grave of oblivion. Nor is it that our countrymen have not the gift of genius for literary works of that high and immortal character. Probably no people were ever blessed with it in a greater degree—of which everywhere we see the indications and the evidence; but what signifies genius for an art without discipline, without knowledge of its principles and skill in that art?

Vis consili expers, mole ruit sua;  
Vim temperatam, Dii quoque provebunt,  
In majus.

“Literature is now everywhere mediocre—because the arts of literature are nowhere cultivated, but everywhere neglected—and apparently despised. I recollect to have seen in a late and leading periodical of Great Britain an article in which the writer congratulates the age upon having thrown off the shackles of composition, and says (in a tone of triumph) that no one now thinks of writing like Junius (as if it was an easy matter, but beneath him, to write like Junius), except, he adds, some junior sophister in the country corresponding with the editor of some village newspaper. The whole tribe of present writers seem by their silence to receive this description as eulogy, as a tribute of praise properly paid to their merit, while in truth it is the characteristic of a barbarous age, or of one declining to barbarism; it is the very description applied to mark the decline and last glimmering of letters in Greece and Rome.

“The object of education is twofold—knowledge and ability; both are important, but ability by far the more so. Knowledge is so far important as it is subsidiary to the acquiring of ability, and no further, except as a source of mental pleasure to the individual. It is ability that makes itself to be felt by society; it is ability that wields the scepter over the human heart and the human intellect. Now, it is a great mistake to suppose that knowledge imparts ability of course. It does, indeed, impart ability of a certain kind; for by exercising the attention and the memory it improves the capacity for acquiring; but the capacity to acquire is not ability to originate and produce. No; ability can only be given by the appropriate studies, accompanied with the appropriate exercises, directed by a certain rule, and conducted infallibly to a certain result.

“In all the celebrated schools of Athens this was the plan of education; and there the ingenious youth, blessed with faculties of promise, never failed to attain the eminence aspired to, unless his perseverance failed. Hence the mighty effects of those schools; hence that immense tide of great men which they poured forth in all the departments of science and letters, and especially of letters; and hence, too, the astonishing perfection of their works. A celebrated writer, filled with astonishment at the splendor as well as the number of the works produced by the scholars of these schools, ascribes the event to the

hand of a wonder-working Providence, interposed in honor of human nature, to show to what perfection the species might ascend. But there was nothing of miracle in it; the means were adequate to the end. It is no wonder at all that such schools gave to Athens her Thucydides in history, her Plato in ethics, her Sophocles to her drama, and her Demosthenes to her forum and her popular assemblies; and gave to her besides that host of rivals to these, and almost their equals. It was the natural and necessary effect of such a system of education; and especially with a people who held, as the Athenians did, all other human considerations as cheap in comparison with the glory of letters and the arts.

“It is true this their high and brilliant career of literary glory was but of short duration; for soon as it had attained its meridian blaze it was suddenly arrested; for the tyrant came and laid the proud freedom of Athens in the dust, and the Athenians were a people with whom the love of glory could not survive the loss of freedom. For freedom was the breast at which that love was fed; freedom was the element in which it lived and had its being; freedom gave to it the fields where its most splendid triumphs were achieved. The genius of Athens now drooped; fell from its lofty flights down to tame mediocrity, to ephemeral works born but to languish and to die; and so remained during the long rule of that ruthless despotism, the Macedonian, and until the Roman came to put it down, and to merge Greece in the Roman empire. Athens now was partially restored again to freedom. Her schools, which had been closed, or which had existed only in form, revived with something of their former effect. They again gave forth some works worthy of their former fame, though of less transcendent merit; and they now gave to Rome the Roman eloquence and literature.

Græcia capta serum Victorem cepit, et artes  
Intulit agresti satio:

and, if we are wise to profit by their example, may yet give to us an equal eloquence and literature.

“I mention these things to show what encouragement we have to this enterprise—what well-grounded hope of success. We have only to tread the path that led the Athenian to his glory, and to open that path to the youth of our country. All the animating influences of freedom exist here in still greater force than they existed there; for while it is not less absolute here, it is better regulated—better combined with order and security. Neither is the gift of genius wanting here; the gleams of this precious ore are seen to break out here and there all over the surface of our society; the *animus acer et sublimis* is daily displayed by our countrymen in all the forms of daring and enterprise; the eagle, their emblem, is not more daring in his flights. And if the love of fame, which was the ruling passion of the Greek, is

not now so strong with us, it is because the want of the means, the want of plain and sure directions for its pursuits, begets a despair of its attainment. The Greek had these means, had these plain and sure directions, and it was the certainty of success by perseverance and by their guide that kindled and sustained his passion and made it his ruling passion. This passion is now burning in the young bosoms of thousands of our youth; but it is, as I have said, *vis consili expers*, and struggles in vain because it struggles blindly for the fame it pants after. Let this Athenian mode of education be adopted in this instance; let it produce but a few examples of eminent success (as I have no doubt it speedily would), and thousands would rush to the path that has led to that success; and members now of this body are yet young enough to live to see a new era arising in our land—another golden age of literature no less splendid than any that had gone before it, not excepting even the Athenian.

“I know it has been supposed that the Athenians had something peculiar in their genius which gave to them their unparalleled success. But we have seen that when, with the loss of freedom, they lost their literary glory, they fell back to the ordinary level of mankind, and were not at all distinguished for literary merit from the mass of nations. So it was not nature, but the means adopted to assist and improve nature, that gave to them their preeminence, and their success was but in exact proportion to the perfection and use of those means.

“I could wish, if all were agreed in it, that this institution should make one of a number of colleges to constitute a university to be established here, and to be endowed in a manner worthy of this great nation and their immense resources. This object, recommended by Washington in one of his early communications to Congress, has not, as it appears to me, received the attention it merits. For such an establishment, formed and conducted as it might be, would be attended with great and glorious results to this country, not only by its direct operation in elevating the standard of education, but by forming a central point, a local head to all the learning of the country, such as the most learned nations of Europe have, and from which they derive the greatest advantages. But as opinions are divided upon this subject—not, I should hope, as to the great desirableness of such an establishment, but as to the constitutional competency of Congress to undertake it—I will not embarrass my present object by involving it with that subject. This, as an independent institution, may hereafter be made a part of such a university, should one be established; but it is now to be looked at only as an independent institution. Still I should hope that the liberality of Congress would so far concur with the generosity of this foreign benefactor as to give full effect to his beneficent purpose; and would not only give the grounds convenient for the accommoda-

tion and location of the buildings, but would also make an appropriation of money therefor sufficient to cover the cost of their erection; leaving the whole amount of the legacy as a fund, the proceeds of which to be applied to the accumulation of books and apparatus, and to the support of the instruction and government of the institution; otherwise the whole thing, I fear, will prove a failure by the expense of the outfits; at least when compared to the results which it might be made to produce. For, though the salaries of instruction should not be overlarge, yet they should be so liberal as to command the services of the ablest instructors in every department embraced by the plan of education. This is not the occasion for a detail in full of the plan of education which I should wish to see adopted; I will, however, beg leave to give its outline, premising that my object would be to give both learning and ability, but ability as the primary object. Ability, as I have stated, can only be given, as I am fully persuaded, by appropriate exercises directed by a certain rule; that is, by the principles of the art, whatever that art may be. So that exercises would be the Alpha and Omega of my system. The studies should be combined of science and literature with its appropriate arts. As to science, they should be restricted to science properly so called—to pure original science—with some of the practical branches thereof not necessary now to be indicated, excluding professory learning altogether. As to literature, the studies should be given to select models of a perfect literature, and to all those arts by which that perfect literature has been produced and may be reproduced, accompanied by all those exercises, regularly and ardently pursued, by which power and skill is given in those arts. The preliminary studies to qualify for admission should also be prescribed. I would have a model school for this preparation annexed to this institution and made a part of the establishment.

“Such an institution, conducted by great masters, as I should hope the instructors to be—and without such, indeed, nothing great in education can be accomplished, whatever the system may be, but, conducted by great masters, would make the illustrious stranger, the founder of the institution, as I think, one of the greatest of benefactors to our country and to mankind, and to be worshipped almost, here at least, as the patron saint of education.”

Mr. WILLIAM C. PRESTON rose and said:

“Unquestionably the subject to which my venerable friend, the honorable Senator from Rhode Island, has called the attention of the Senate is one of great importance, demanding the grave consideration of Congress. As it is in the order of Providence that as the mind is enlarged our moral nature is also exalted, there can be no object more beneficent or dignified than that which the acceptance of this legacy presents to us. And surely, Mr. President, the establishment of the Smithsonian Institute could not commence under more favorable

auspices than to have attracted the care of the honorable Senator, who in every way is so eminently qualified to take charge of whatever concerns the interest of learning or of charity. No one has more experience in his own heart, or more exemplified in his own character the benign influences of education, than the honorable gentleman; and no one, therefore, in this body was so fit to have submitted the resolution before you, or to cast the foundations of an institution whose duration, we may hope, will bear a proportion to its enlarged objects. I am sure I but speak the sentiments of all the Senators when I offer him my earnest thanks for the lead he takes in this matter. Nor can I forbear also to thank him for introducing those elegant and elevated topics which carry us for a moment into regions of calm and serene air, above the smoke and din of our accustomed and more strenuous efforts on this floor. It is pleasant to repose upon the green spot he has presented to us.

“I rejoice that this subject demands our attention at this session. After a long term of useful and honorable public service, my honorable friend is now about to terminate his cooperation with us on this floor. It is his last session. It is a fortunate, as it is a most just and fit termination of his official productions, that he at once finishes and perfects them by inscribing his name where it will be most appropriately placed—upon an institution for the promotion of knowledge.”

*January 11, 1839—Senate.*

Mr. ASHER ROBBINS's resolution was adopted, and Mr. A. Robbins, Mr. W. C. Preston, Mr. W. C. Rives, Mr. James Buchanan, Mr. T. H. Benton, Mr. S. L. Southard, and Mr. R. H. Bayard were appointed as committee.

*January 12, 1839—House.*

The concurrent resolution from the Senate (S. 7) “concerning the legacy bequeathed by Mr. James Smithson, of London, to the United States, in trust, for an institution of learning, to be established in the city of Washington,” was concurred in by the House.

Mr. John Quincy Adams, Mr. F. O. J. Smith, Mr. Charles Ogle, Mr. Charles Shepard, Mr. Orrin Holt, Mr. Waddy Thompson, Mr. W. H. Hunter of Ohio, Mr. John P. Kennedy, and Mr. James Garland of Virginia, were appointed said committee.

*January 14, 1839—House.*

On motion of Mr. GEORGE M. KEIM—

*Resolved (the Senate concurring therein),* That the joint committee on the Smithsonian bequest be instructed to inquire into the propriety of establishing a professorship of the German language as a part of the literary instruction in the intended Smithsonian Institute.

*January 16, 1839—Senate.*

The Keim resolution of the House, of January 14, was laid on the table.

*January 26, 1839—House.*

Mr. JOHN QUINCY ADAMS, from the joint committee on the Smithsonian bequest, reported the following resolutions, viz:

1. *Resolved*, That the sum of ——— dollars, being the amount deposited in the Treasury of the United States, proceeding from the bequest of James Smithson to the United States of America for the purpose of establishing, at the city of Washington, an institution to bear his name, for the increase and diffusion of knowledge among men, together with what additional sum or sums may hereafter accrue from the same bequest and so much of the interest as has become or may become due on the first-named principal sum, until the — day of ———, ought to be constituted a permanent fund, to be invested in a corporate body of trustees, to remain under the pledge of faith of the United States, undiminished and unimpaired.

2. *Resolved*, That the said fund ought to be so invested that the faith of the United States shall be pledged for its preservation unimpaired, and for its yielding an interest or income, at the rate of six per cent a year, to be appropriated, from time to time, by Congress, to the declared purpose of the founder; and that all appropriations so made shall be exclusively from the interest or income of the fund, and not from any part of the principal thereof.

3. *Resolved*, That the first appropriations from the interest or income of the Smithsonian fund ought to be for the erection and establishment, at the city of Washington, of an astronomical observatory, provided with the best and most approved instruments and books for the continual observation, calculation, and recording of the remarkable phenomena of the heavens, for the periodical publication of the observations thus made, and of a nautical almanac for the use of the mariners of the United States and of all other navigating nations.

The resolutions were laid on the table.

Mr. ADAMS, from the same committee, reported the following resolution; which was read and agreed to by the House, viz:

*Resolved (the Senate concurring herein)*, That the joint committee of both Houses on the bequest of James Smithson be authorized to employ a clerk, and to cause to be printed such papers as they may deem necessary.

*Ordered*, That the clerk request the concurrence of the Senate in the said resolution.

*January 28, 1839—Senate.*

The Senate concurred in the House resolution of January 26.

*February 16, 1839—House.*

Mr. JOHN QUINCY ADAMS, from the Committee on the Smithsonian Bequest, reported a bill (H. 1160) to provide for the disposal and management of the sum bequeathed by James Smithson to the United States for the establishment of an institution for the increase and diffusion of knowledge among men; read, and committed to the Committee of the Whole.

Mr. ADAMS, from the same committee, reported another bill (H. 1161) to provide for the disposal and management of the sum bequeathed by James Smithson to the United States for the establishment of an institution for the increase and diffusion of knowledge among men; read, and committed to the Committee of the Whole.

[These bills appear in the Senate proceedings of February 18, 1839, as S. 292 and S. 293.]

*February 18, 1839—Senate.*

Mr. ASHER ROBBINS, from the Committee on the Smithsonian Bequest, submitted resolutions:

1. *Resolved*, That it is the duty of the United States, they having accepted the trust under the will of Mr. Smithson, of London, to execute that trust bona fide, according to the true intent and meaning of the testator.

2. *Resolved*, That the trust being to found an institution in the city of Washington for the increase and diffusion of knowledge among men, the kind of institution which will have the effect intended and described, in the most eminent degree, will be the kind of institution which ought, in good faith, to be adopted, as being most in accordance with the true intent and meaning of the testator.

3. *Resolved*, That all experience having shown scientific and literary institutions to be by far the most effectual means to the end of increasing and diffusing knowledge among men, the Smithsonian Institution should be a scientific and literary institution, formed upon a model the best calculated to make those means the most effectual to that end.

4. *Resolved*, That to apply said trust fund to the erection and support of an observatory would not be to fulfill bona fide the intention of the testator, nor would it comport with the dignity of the United States to owe such an establishment to foreign eleemosynary means.

Mr. ROBBINS, from the committee appointed on the part of the Senate on the Smithsonian bequest, also reported S. 292 and S. 293 bills:

[S. 292.]

*Be it enacted, etc.*, That all sum or sums of money heretofore received, or which shall hereafter be received, under and in pursuance of the last will and testament of the late James Smithson, deceased, of London, and all fund or funds, stock or stocks, or evidence or evidences of public debt whatsoever, in which said sum or sums of money have been, or shall hereafter be, invested, shall be, and are hereby, constituted and declared to be a fund to be named or styled "the Smithsonian fund," and shall be under the management and control of nine trustees, to be styled "the board of trustees of the Smithsonian fund," subject, however, to such rules, regulations, and restrictions as the Congress of the United States may or shall, from time to time, make, ordain, or establish; and said trustees shall constitute a portion of such corporation as shall hereafter be created by Congress for the government of an institution for the increase and diffusion of knowledge among men.

SEC. 2. *And be it further enacted*, That the said trustees shall hold their offices for the term of one year, and until their successors be appointed, and shall be appointed annually on or before the — day of —, in the following manner, that is to say: three of the said trustees shall be appointed by the Senate and three by the House of Representatives, in such manner as the said Houses shall respectively determine, and the remaining three shall be appointed by the President of the United States; and the trustees so appointed, or a majority of them, shall meet together, in the city of Washington, on the — day of — next succeeding their appointment, and shall elect one of their own body as president of said board; they shall have authority to appoint a clerk and printer and fix their respective compensations, and make and establish such rules and regulations for their own government as they may deem necessary or proper; hold one or more sessions for the transaction of business during the recess of Congress, and adjourn from day to day, as they may deem proper; they shall keep a journal of their proceedings, and report the same, or an attested copy thereof, to both Houses of Congress on or before the — day of — in each and every year.

SEC. 3. *And be it further enacted*, That all expenditures made by the said board shall be subject to the approval of the President of the United States; and all the accounts thereof shall be reported to the Secretary of the Treasury, and audited, under his direction, by the proper officers of the Treasury Department; and the said board shall report to Congress, at every session thereof, the state of the Smithsonian fund, and a full statement of their receipts and expenditures during the preceding year.

SEC. 4. *And be it further enacted*, That the said trustees be, and they are hereby, specially authorized and directed to prepare such a charter of incorporation, and such a plan of an institution for the increase and diffusion of knowledge among men, as to them may appear best adapted to carry into effect the bona fide intention of the testator, the said James Smithson, and to report the same for the consideration and action of Congress at the next session thereof.

[S. 293.]

*Be it enacted, etc.*, That the Vice-President of the United States, the Chief Justice of the United States, the Secretaries of State and of the Treasury, the Attorney-General of the United States, and the mayor of the city of Washington, all during the time when they shall hold their respective offices, together with three members of the Senate and four members of the House of Representatives, to be annually elected by their respective Houses on the fourth Wednesday of December, shall be, and hereby are, constituted a body politic and corporate, by the style and title of the trustees of the Smithsonian Institution, for the increase and diffusion of knowledge among men, with perpetual succession and the usual powers, duties, and liabilities incident to corporations.

SEC. 2. *And be it further enacted*, That the corporation so constituted shall have power to appoint from citizens of the United States, other than members of the board, a secretary and a treasurer, to hold their offices during the pleasure of the board, and removable at their pleasure, and others to be appointed in their places, and to fix their compensations. And the secretary and the treasurer only shall receive pecuniary compensation for their services, and those of the members of the board of trustees shall be gratuitous. And the offices of secretary and treasurer may, at the discretion of the board of trustees, be held by the same person. The secretary and treasurer shall be sworn to the faithful discharge of the duties of their respective offices, and the treasurer shall give bond, with the penalty of \$50,000, with sureties, to the satisfaction of the Secretary of the Treasury, for the safe custody and faithful application of all the funds of the Institution which may come to his hands or be at his disposal.

SEC. 3. *And be it further enacted*, That the sum of ——— placed in the Treasury of the United States on the ——— day of ——— as the proceeds in part of the bequest of James Smithson to the United States, together with all sums which may hereafter be realized, shall be passed hereafter to the credit of a fund, to be denominated the Smithsonian fund, in the Treasury of the United States. And the faith of the United States is hereby pledged for the preservation of the said fund undiminished and unimpaired, to bear interest at the rate of six per centum a year, payable on the first days of January and July to the treasurer of the board of trustees of the Smithsonian fund, to be applied to the purposes of the fund, conformably to the laws and subject to the revision and regulation of the board of trustees.

SEC. 4. *And be it further enacted*, That no part of the said Smithsonian fund, principal or interest, shall be applied to any school, college, university, institute of education, or ecclesiastical establishment.

SEC. 5. *And be it further enacted*, That the appropriations to be made from time to time by Congress to the purposes of the Smithsonian Institution, as declared by the testator, shall be exclusively from the accruing interest, and not from the principal of

the said fund: *Provided*, That Congress shall retain the power of investing, at their discretion, the principal of said fund in any other manner so as to secure not less than a yearly interest of six per centum.

SEC. 6. *And be it further enacted*, That the sum of \$30,000, part of the first year's interest accruing on the said Smithsonian fund, be, and the same is hereby, appropriated toward the erection and establishment at the city of Washington of an astronomical observatory adapted to the most effective and continual observation of the phenomena of the heavens; to be provided with the necessary, best, and most perfect instruments and books for the periodical publication of the said observations, and for the annual composition and publication of a nautical almanac.

SEC. 7. *And be it further enacted*, That the said observatory shall be erected under the direction of the Secretary of the Treasury, subject to the approbation of the President of the United States; and the site of the same shall be selected upon land, in the city of Washington, belonging to the United States; and the land necessary for the same, and for any other buildings proper to be connected with the said observatory and the appurtenances thereof, is hereby granted, and shall be duly conveyed, as a deed of gift, to the trustees of the Smithsonian fund, and to their successors forever, in aid of the purposes of the said Institution.

SEC. 8. *And be it further enacted*, That all expenditures made by the said board shall be subject to the approval of the President of the United States, and all the accounts thereof shall be reported to the Secretary of the Treasury, and audited, under his direction, by the proper officers of the Treasury Department; and the said board shall report to Congress, at every session thereof, the state of the Smithsonian fund, and a full statement of their receipts and expenditures during the preceding year.

SEC. 9. *And be it further enacted*, That the first meeting of the trustees of the Smithsonian fund shall be held at the city of Washington on the third Monday of January next, and that, in the meantime, the custody of the said fund, and the expenditures under the appropriation herein made, shall be held and authorized by the Secretary of the Treasury, subject to the approbation of the President of the United States.

*February 25, 1839—Senate.*

The bill (S. 292), was considered in Committee of the Whole.

The Senate having taken up this bill introduced by Mr. Robbins providing for the appointment of nine commissioners annually—three by the Senate, three by the House, and the other three by the President of the United States—to take charge of the Smithsonian fund, to draw up an act of incorporation for the Institution, and to constitute a portion of its board of trustees when incorporated—

Mr. JOHN C. CALHOUN said: This is a bill making provision for the common benefit of all mankind; but we are restricted in our powers. The question whether we have the power to establish a university or not was a subject of consideration at an early stage of our Government, and President Washington decided that Congress had the power. But the question was voted down and never revived. And now what would we do? We accept a fund from a foreigner, and would do what we are not authorized to do by the Constitution. We would enlarge our grant of power derived from the States of this Union. Sir, can you show me a word that goes to invest us with such a power? I not only regard the measure proposed as unconstitutional, but to me it appears to involve a species of meanness which I can not describe, a

want of dignity wholly unworthy of this Government. Some years ago we accepted a statue of Mr. Jefferson, which is no more like him than I am, and we made a tacit admission, by its acceptance, that we were too stingy to purchase one worthy of the man and of the nation. And now what would we do by this? We would accept a donation from a foreigner to do with it what we have no right to do, and just as if we were not rich enough ourselves to do what is proposed, or too mean to do it if it were in our power. Sir, we are rich enough ourselves; and if we are not, this bequest can not give us the power.

Mr. T. H. BENTON. My mind is not made up on a single point relative to this bill, and I would suggest the propriety of laying it on the table.

Mr. R. J. WALKER. The same objections which lie equally against this bill and the acceptance of the fund were urged upon the Senate when the question of accepting it was before them, with the same earnestness by Senators as now, and after a protracted debate the question was decided against them, their whole number being only five or six. A vast majority of the Senate did not think we were humiliated by accepting from an individual any amount of money which he might think proper to bestow for the purpose of establishing in this District an institution for the diffusion of knowledge among men; and no government has considered itself humiliated by its acceptance of such donations; and if, instead of \$500,000, it amounted to \$20,000,000, for these great and noble purposes, I would glory in receiving it, and in applying it to these great purposes alone. But it is now too late to urge these objections. We have prosecuted the suit, and have actually received the money; and now, when we have received it, shall we refuse to perform the trust which we took upon ourselves by its acceptance? It would be a fraud on those from whom we received it. On what ground did the court of chancery give over the fund? Only on the ground that we would carry into effect the will of the testator; and it would be a violation of good faith for us now to refuse to carry it into effect.

And what are the constitutional objections? Sir, we find no difficulty in building railroads and bridges in the District, or in incorporating colleges and other institutions, and it is but now that a difficulty has arisen in establishing an institution for the diffusion of knowledge among men. We incorporated the Columbian College of this city, but is it only the District of Columbia that sends to that institution? No, sir; it is known to every member that its benefits are open to the whole world, and are actually extended throughout the Union. Its students come from every part of the United States. And that was an infinitely stronger case than this, for there we gave money, while here we give none; and all that is asked of us is that we honestly comply with the obligations under which we have entered with the Government through whom we received the money.

**Mr. BENTON.** I do not agree with the Senator from Mississippi that our decision at the last session to accept this fund is obligatory, or that we are at all committed in respect to establishing this institution. I have believed always that this Government has no right to accept a donation in money; and, as the Senator from South Carolina has remarked, this question of our power to establish a national literary institution was among the earliest which were settled under our Government; and the arguments then urged against it have remained unanswered. If we now proceed to establish such an institution with this fund, it will in effect amount to this, that this donation has purchased our acquiescence in a violation of the Constitution. For half a century the people of the United States have acquiesced in the unconstitutionality of our establishing such an institution; and if we now proceed to do it, an infraction of the Constitution will in effect have been purchased.

**Mr. AMBROSE H. SEVIER.** There is one difficulty in the way of these objects in regard to the disposition that is to be made of this money. It has been sent for and obtained, and is now actually invested in State stocks. What are we to do with it? Here is a benevolent man, who from motives of benevolence compliments this country by bestowing upon it a donation for benevolent purposes, and, viewing it in that light, we have passed an act of Congress to receive it, and it is already received and invested. Shall we now return it? It is to be appropriated and used within our own limits of 10 miles square, where we have exclusive and sole jurisdiction, and shall it be said we have no power to establish such an institution within those limits? Sir, the bill may be defective so as to require amendment, but as to the power of receiving the money and appropriating it to such a purpose there can be no doubt at all about it. This fund was given to us in trust for the benefit of the world, which showed that this man had full faith in us, and within the 10 miles square this Government is no more limited in regard to such a subject than the State of Pennsylvania is limited while acting within her own boundaries.

**Mr. SILAS WRIGHT.** I have not been able to listen very attentively to the debate, but as far as I can judge the subject seems to involve great principles, which require full and mature consideration. This bill merely provides for appointing a commission of nine persons, three of whom are to be appointed by the Senate, three by the House of Representatives, and the other three by the President, and to do what? I believe they are to draw up a charter of incorporation for the institution within the District of Columbia, and this is their commission, for I understand they are to have no other duty or power, with the exception of a power to appoint a printer. And if a charter for an institution of that sort must be finally considered and passed by Congress it did not seem necessary to appoint such a commission simply to draw up a bill of incorporation, and if it were necessary I do not

see why they should want a printer, for that can not involve any great principles.

Mr. CALHOUN. No man can suppose that the Senate and House of Representatives can perform the functions of such an institution. I, however, spoke of what was proper and within our power, and of that alone. The Senator from Arkansas appears to think that we have the power to do what we please within the District of Columbia, provided the means are granted to us. But, in the first place, we must look carefully at the extent of our own power. This Government is a trust, established by the States, with a specific capacity, education not included, and all the powers which are not granted are expressly reserved to the States. And when they were granted, it was with the profoundest jealousy, for it was apprehended that they would be so great as to utterly absorb the State governments. And now, after the question of the power of the General Government on the subject of education has been settled for fifty years, a foreigner makes a donation to the Government in trust for this object; and the question arises, Can we accept it? Sir, we have no more right to do this than to establish a national institution in Virginia or Maryland. The government of Pennsylvania is a government of unlimited power within its boundaries, and a donation there made to the government of Pennsylvania is in a very different condition from one made to ours, which is wisely limited, because it might otherwise absorb all the power of the States.

When the charter for Columbian College was passed I was absent; but I understood that it was established on funds collected from all the Baptists throughout the United States. Yet I never recognized the power of Congress to establish that institution. But here what are we going to do? We are to accept a donation, to do with it what the Constitution does not allow. But, it is asked, what are we to do with the money? There is no difficulty in that; it must be returned to the heirs. This is a question of vast magnitude, and no one knows the consequences which may grow out of it. I have heard a gentleman from Philadelphia say that of all the curses of that city the Girard donation was the greatest. Here we are to commence with half a million, and no one knows how much more is to be added. Sir, I trust this measure will be met decidedly and voted down.

Mr. SEVIER. The power of this Government within this District is just as ample as that of any State within its limits. It is declared to be exclusive, and we have as much right to do anything within the District of Columbia as any State has to do the same thing within her limits. And what is now proposed? You are merely put in possession of half a million, over which you are made the trustees, for philanthropic and patriotic purposes, and the whole object now is to execute that trust in a proper manner. Sir, I should be opposed to the bill if it were going to take any power from the States; but it

has no such purpose, and can have no such effect. I am, however, not anxious in regard to the fate of this bill.

Mr. R. J. WALKER. In reply to the Senator from South Carolina, I wish to know whether we have no power to incorporate companies in the District of Columbia, and whether we have not done it again and again. We have incorporated companies for banks, bridges, railroads, and others of almost every variety. Then we have the power, and our whole history shows that we have the power, to grant incorporations in the District. And what is the difference? If we could incorporate a Baptist institution can not we incorporate a Smithsonian institution? Did we not incorporate the Georgetown College, and can we not incorporate the Smithsonian college? Sir, there is no novelty at all in this matter so far as it has any relation whatever to our power.

For the purpose of showing the former unanimity of most of the Senate on this subject Mr. Walker read the joint resolution of Congress authorizing the President of the United States to prosecute and obtain this legacy, and the yeas and nays in the Senate on the question of ordering it to be engrossed; for which there were, yeas 31, nays 7. The District of Columbia (said Mr. Walker) not having a government in itself, the Government of the United States received this bequest as the government of the District; and now we propose to incorporate an institution, that the intention of the testator may be carried into effect; and would it not be ridiculous for us to pass a bill, by an almost unanimous vote, to prosecute for and obtain the fund, which has been carried successfully into effect, now to turn round, in less than two years, and declare that vast majorities in Congress had been entirely ignorant of the subject on which they acted and had violated an organic law of the country in accepting this bequest? Sir, the nation would be disgraced by such a proceeding. We have received the money, and we are bound by the most solemn obligation, at least to the District of Columbia, the real beneficiary, to carry this bequest into effect.

Mr. CALHOUN. This bequest was not made to the District of Columbia, but to all mankind. I believe the second thoughts of Congress are better than the first, and I believe there will now be a decided vote against this measure after full reflection.

Mr. J. M. NILES. One wrong step is no reason why we should take another, and I submit to the Senate whether the main argument in favor of this measure is sustained. Sir, what is that argument? It is that the whole of this matter is for the District of Columbia. Sir, if you stand on that ground you will practice a base fraud on the legatee. He meant this donation for the whole world, and now the argument is that it is for the benefit of this District. The true question is whether we will have a national institution, and that is to be decided by looking at the terms of this grant. It is a trust committed

to the United States, in the very execution of which we are to act for the United States. Sir, the question is altogether too clear for argument. I had not the privilege of voting against the acceptance of this fund, and I now wish to record my vote against the whole proceeding.

Mr. J. J. CRITTENDEN. It was my lot some few years ago to be a member of Congress when this subject was under consideration, and, as far as I can recollect, we then came to the conclusion that all the objections which are now made to our accepting and executing this trust were fallacious and unfounded. I am now only surprised that the Senator from Connecticut should be worked up into so high excitement by this subject. But I ask whether it is not perfectly competent in us to lay a tax on this District of \$500,000 for the establishment of such an institution. We hold exclusive legislation over the District, including the power to tax it, and if this could be done in compliance with the wishes of the District, and at their own expense, could there be any constitutional objection to our doing it for them? Sir, it is evident there could not; and when the requisite fund is a donation does that circumstance offer any ground whatever for a constitutional objection? If by taxation of the people of the District Congress have an unquestionable and indisputable power to effect this object does it make any difference, as it respects that power, whether the fund is a donation or a tax? None whatever, and I see no force at all in these objections. They arise from a constitutional delicacy of which I have no perception, and I should be sorry if this trust should be injured by the indulgence of such scruples.

And what are we to do? "Oh," say gentlemen, "send the money back, and surrender it to the heirs of the donor." With respect to the money, that with this country is but of little account; but consider what sort of an answer you will have to make to the high court of chancery in England. You must send Mr. Rush to report to the court of chancery that from solemn considerations we have found out that we are not entitled to receive this donation and carry the intention of the donor into effect, in doing which I do not consider that we would be at all degraded. The money itself is of no consideration to this Government; but here is a beneficent object, in the promotion of which a philanthropic foreigner asks you to act in his behalf, in a local district of your own country, over which you are the only legislators, and in doing this we are not acting under any ordinary treaties, but in the great cause of humanity. Sir, I see no difficulty, and I trust that the decided majority which appeared in favor of this measure in its incipient stage will now not be at all diminished.

Mr. BENTON. The argument is that we are to act in this case as the government of the District of Columbia. But if I understand the bequest, the money is given to the people of the United States, and not to those of the District alone. Consequently, if we accept the

donation, it must be used for a national institution, and not one for the District alone. Banks, colleges, and other institutions are incorporated by us in the District of Columbia, not as national institutions, but for the local benefit of the District. I, sir, voted for banks in the District of Columbia, but in no case was it for a national bank; and such is the precise distinction in the case now before us. The argument is that we may receive money as trustees to be used for purposes entirely different from what the testator contemplated. To this I object, and especially because it places the United States Government in the aspect of a moneyed power.

Mr. R. H. BAYARD. I was not a member of the Senate when the joint resolution was passed by which we accepted this trust, and I am not quite certain whether I should have been in favor of it or not. But it is rather late, after having accepted the trust, to start this constitutional difficulty. I do not altogether approve of the manner in which the money was obtained through the English courts, and if it could be properly returned I should be in favor of it, not for any consideration of our want of constitutional power, but for the manner in which it was obtained. But it is too late to return it.

But it is argued that there is no power in this Government to accept and administer this trust, and therefore the money is now to be returned. This Government is one of mere trust power, but in one capacity it acts as the Government of the whole United States, and in another as the Government of this District. Its power over the United States is limited, but over this District it is unlimited; and there can therefore be no doubt of its full sovereignty over it, so far as relates to general grounds. But it is a mistake that this donation is for the benefit of the United States. The views of the testator were much more extensive, and he expressly declared that his object was to diffuse knowledge among men. The testator must have understood perfectly well the nature of our institutions, and he knew not only that this Government could act for the United States as such, with power to operate in this District, but he knew, moreover, that this District was eminently calculated for the more comprehensive purpose which he had in view, because it is not trammelled by political or religious restrictions. And the reason why the United States should be induced to accept this bequest is not because it is for the District altogether, but because it may be used for the benefit of the United States and of the world, and the motive and the object which the testator had in view were to select a place where there is perfect freedom of opinion in politics and religion, and the motive of the United States in accepting it is that the people of the District and of the United States may obtain its general benefits. I therefore do not see any difficulty in this Government accepting it.

And the question now is, what is to be done? There is an evident

necessity for a corporation for the purpose of administering the means of effecting the object proposed. I do not know as it ought to be the basis of a great national institution, but we may incorporate it with a view to insure the benefits contemplated; and, in order to effect that, it is a question whether you will refer the subject to a committee who may present plans to Congress to carry the purpose into execution, or whether you will trust it with a commission, who, in the meantime, may have power over the fund and at a future period may present to Congress such a plan for its administration as they may think best. The object of the bill introduced by the Senator from Rhode Island is, inasmuch as the business can not be managed by a standing committee during the recess of Congress, to establish a board of trustees for this purpose; and the sole object of the bill is to establish such a board of trustees over the fund, who shall also prepare and present to Congress, at its next session, or at some future period when it shall be prepared, a plan for such an incorporation; and that is all that the bill proposes.

Mr. WRIGHT. I understood and I meant to say that this bill involves none of the great principles that have been brought into this discussion, but simply provides for preparing a charter. But I find I was mistaken. The scope of the bill is larger than I supposed. I would now say nothing about these great principles, but about the bill itself; and I would suggest the propriety of now passing a bill not involving any great question of principle. I find the bill provides for a commission of nine persons, who are to have charge of the fund; and, further, these nine are to constitute a component part of any incorporation hereafter established for the institution. All this goes materially farther than I had supposed. What necessity is there for appointing these nine trustees now? This fund is to be invested under the direction of the Secretary of the Treasury. For what valuable purpose, then, are we to hang this machinery on this great donation? Is it for no other purpose than to constitute nine men the draftsmen of an act of incorporation? And, in the meantime, shall we confer on these nine persons very extensive powers? It is provided by the bill that they shall have the management of the fund, under such regulations and restrictions as Congress shall from time to time prescribe. But these nine are also to be officers of the corporation whenever its officers are appointed. But are they to be such officers under the Constitution of the United States? If they are to be so, it is a perfectly new mode of appointment, and one the pertinency or propriety of which I am unable to discover. Three of them are to be chosen by the Senate annually, three by the House of Representatives annually, and the other three by the President annually.

And if this, as we are told, is to be an institution for the District of Columbia, or an ordinary college, why is this machinery necessary?

And why this new method of appointment? Is there anything of this in connection with the Georgetown College or the Columbian College? Does not this point out this new institution to be a national institution? Every branch of the Government is to be represented (except the judiciary), and these representatives are to have the power to appoint a printer to that board of trustees, and to fix his compensation, and also a clerk, and to fix his compensation; and they are to have power to make regulations for their own government, and they will be compelled to meet at least once during the recess of Congress, and as much oftener as they please; and for what? I speak now of the practical operation of the measure. In Pennsylvania a bequest has been made and appropriated to a similar purpose; and have any of us failed to hear of the abuses of that bequest in the engrafting of offices and incomes upon it? And what will be the income of this Smithsonian fund? It will be \$25,000 or \$30,000, out of which you must pay your commission, printer, and clerk; and how much do you suppose you will have of the product of the fund for the diffusion of knowledge among mankind? And is it necessary that a commission should sit eight or nine months to frame a bill? This is something which has not been practiced heretofore; and is it wise to pass such a bill? It is with great caution that Congress should proceed on that subject, but I see no necessity for taxing this charity with the expenses growing out of this bill for the simple purpose of presenting to Congress the form of an incorporation; and I ask those who argue that this Institution is to be established for this District as a college, whether they can vote for this bill.

On motion by Mr. HENRY HUBBARD, that the bill lie on the table, it was determined in the affirmative—yeas, 20; nays, 15.

On motion by Mr. HUBBARD, the yeas and nays being desired by one-fifth of the Senators present; those who voted in the affirmative were:

Messrs. Allen, Bayard, Benton, Brown, Calhoun, Clay of Alabama, Hubbard, King, Lyon, Morris, Mouton, Niles, Norvell, Roane, Robinson, Smith of Connecticut, Strange, Williams of Maine, Williams of Mississippi, Wright.

Those who voted in the negative were:

Messrs. Clay of Kentucky, Davis, Fulton, Knight, Linn, Merrick, Prentiss, Preston, Rives, Robbins, Ruggles, Sevier, Smith of Indiana, Walker, Young.

Ordered to lie on the table.

*February 28, 1839—Senate.*

Mr. ASHER ROBBINS submitted a motion:

*Resolved by the Senate, That the mayor and city council of the city of Washington be, and hereby are, authorized to prepare and report a plan of an institution, to be*

called the Smithsonian Institution, to be founded on the bequest of Mr. James Smithson, of London, and to report the same to the Senate at the next session of Congress.

*March 1, 1839—Senate.*

The Senate considered the motion submitted February 28 by Mr. Robbins respecting a Smithsonian Institution; and, on motion by Mr. C. C. CLAY, of Alabama, ordered that it lie on the table.

*March 3, 1839.*

Civil and diplomatic act for 1839.

For carrying into effect the acts relating to the Smithsonian legacy, \$10,000, to be paid out of the fund arising from that legacy.

(Stat. V, 346.)

## TWENTY-SIXTH CONGRESS, 1839-1841.

### BEQUEST OF JAMES SMITHSON.

*December 30, 1839—House.*

Mr. JOHN QUINCY ADAMS introduced a bill to provide for the disposal and management of the fund bequeathed by James Smithson, deceased, to the United States, for the establishment of an institution for the increase and diffusion of knowledge among men. Referred to a select committee of nine members, viz:

Mr. John Quincy Adams, Mr. Charles Ogle, Mr. Charles Shepard, Mr. James Garland of Virginia, Mr. Dixon H. Lewis, Mr. Albert Smith of Maine, Mr. D. D. Barnard, Mr. Thomas Corwin, and Mr. John Campbell of South Carolina.

*February 5, 1840—House.*

Memorial of the corporation of the city of Washington on the subject of the Smithsonian bequest was referred to the select committee appointed December 30, 1839.

MAYOR'S OFFICE, *Washington, January 15, 1840.*

SIR: In compliance with the instructions of a committee appointed by the corporation of this city to represent their interests before Congress, I have the honor to request you to present the inclosed memorial to the House.

The great interest you have taken in the subject to which the memorial relates has induced the committee to make this request.

I have the honor to be, very respectfully, your most obedient servant,

PETER FORCE.

Hon. J. Q. ADAMS,

*House of Representatives, United States.*

*To the Senate and House of Representatives in Congress assembled:*

The memorial of the undersigned, a committee appointed by the corporation of Washington, respectfully represents:

That they have been instructed to express to your honorable bodies the earnest desire of the city councils, as well as of the citizens of Washington, that the benevo-

lent design of the late James Smithson, of England, should be carried into execution as soon as practicable by the establishment of an institution in their city for the diffusion of knowledge among men. As this is a matter which more immediately concerns the people of Washington, where, according to the desire and instruction of the testator, the institution is to be founded, they necessarily feel a deep solicitude on the subject and are anxious that Congress would take it into serious and immediate consideration, in order that the benefit intended to be conferred may be enjoyed at as early a period as possible. They need not suggest that, in addition to the intellectual advantages of which the contemplated institution promises to be productive, it will be the means, they believe, of adding greatly to the reputation of the metropolis and of giving to it a new source of attraction. Though this motive may appear to be selfish, it is nevertheless one which all who take an interest in the welfare and prosperity of the capital of their country must necessarily feel. But your memorialists are influenced by loftier and philanthropic motives in wishing to see the instructions of Mr. Smithson carried into effect. It is impossible to calculate the amount of good which an institution properly founded and judiciously organized, as they have no doubt this will be, is susceptible of promoting the improvement of the intellect, taste, and morals of the great community of this country; for though the fountain may be here, its streams will flow through all parts of the Republic and fertilize and improve its remotest borders. It is not for the memorialists to point out the character of such an institution as should be established in accordance with the design of him who made the bequest, because they know it is in much abler hands, and therefore it would be presumptuous in them to attempt it. All they desire is to see it speedily commenced and the design fully carried out, and in this desire they believe they are joined by all who feel an interest in the diffusion of human knowledge and the intellectual improvement of their fellow-men.

Your memorialists respectfully pray that, for the benefit of their countrymen, and the special advantage which will result from it to Washington, the subject may claim the immediate attention of Congress, and that a plan will be devised and adopted during the present session, which will accord with the intentions of the testator, and, when carried into execution, be attended with all the blessings and advantages which are expected to flow from an institution already founded and wisely organized.

And so they will ever pray.

PETER FORCE.  
CH. W. GOLDSBOROUGH.  
GEO. WATTERSTON.  
JOHN W. MAURY.  
JOHN WILSON.  
GEORGE ADAMS.  
SAMUEL BYINGTON.

Mr. JOHN QUINCY ADAMS presented a memorial of Constantine S. Rafinesque, of Philadelphia, professor of historical and natural sciences, praying that the benevolent intentions of James Smithson may be speedily realized, by the immediate establishment of an institution for the diffusion of useful knowledge among men; which was referred to the select committee on the Smithsonian bequest.

*February 13, 1840—Senate.*

Mr. HENRY CLAY, of Kentucky, presented the petition of the Kentucky State Agricultural Society, praying the endowment of an agricultural school or college out of the funds of the Smithsonian legacy; referred to the Committee on Agriculture.

*February 27, 1840—House.*

Mr. J. Q. ADAMS asked Mr. GEORGE W. CRABB (who was entitled to the floor) to give way to allow him to present a report from the select committee on the Smithsonian bequest. It was a subject which had excited a good deal of public interest; and he merely wished to make the report, and have it printed, which would occupy but a few moments of the time of the House.

Mr. CRABB said if it was the universal consent of the House to receive the report at that time, he had no objection to give way for the purpose. But objection was made.

*March 5, 1840—House.*

Mr. JOHN QUINCY ADAMS, from the committee to which was referred the bill to provide for the disposal and management of the fund bequeathed by James Smithson to the United States for the establishment of an institution for the increase and diffusion of knowledge among men, reported an amendatory bill, accompanied by a report, which were committed to the Committee of the Whole.

The select committee report the bill with sundry amendments.

And inasmuch as the subject of this bill, and the bequest itself, and the institution to the establishment of which, at the city of Washington, it was devoted by the testator, involve considerations and principles other than those which usually regulate the legislation of Congress; and as the purposes of the bequest have, as yet, been but imperfectly made known to the people of the United States, and probably to a large portion of the members of the House, the committee submit to the indulgence of the House a statement of the material facts which have hitherto occurred in the tender of this fund to the United States of America, and their acceptance of it, and an exposition of the motives which have prevailed with the committee to propose the disposal of the fund, and the provisions for its maintenance and management, as they are set forth in the several sections of the accompanying bill.

[Mr. Adams then quotes message of President Andrew Jackson, dated December 17, 1835, the correspondence of Mr. Vail and Clarke Fynmore & Fladgate, James Smithson's will, etc., and then proceeds:]

This message was referred, in the Senate, to their Committee on the Judiciary, which, on the 5th of January, 1836, presented a report favorable to the acceptance of the bequest, and a joint resolution to authorize and enable the President of the United States to assert and prosecute, with effect, the claim of the United States to this bequest, in the court of chancery, or other proper tribunal of England. By this joint resolution, adopted on the 2d of May, 1836, the faith of the Government of the United States was pledged, that any and all sums of money which should be received for or on account of the said legacy should be applied to the purpose of founding and endowing at

Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men.

In the House of Representatives the same message of the President was, on the 21st of December, 1835, referred to a select committee of nine members, which, on the 19th of January, 1836, reported a bill, together with a statement of facts and principles connected with the origin and acceptance of this bequest, which the present committee ask leave to refer to the consideration of the house as a part of their own report.

[Mr. Adams here quotes his own report of January 19, 1836, and proceeds:]

The bill accompanying this report was, in the House of Representatives, substituted in the place of the joint resolution which had been received from the Senate. It authorized the President of the United States to appoint an agent or agents to prosecute, in the court of chancery, in England, the right of the United States to the bequest of Mr. Smithson, and to recover and pay over the amount of the same into the Treasury of the United States. This bill passed in the House without opposition; was concurred in, without amendment, by the Senate; and, on the 1st of July, 1836, received the approbation of the President of the United States.

The third section of this act is in the following words:

*And be it further enacted*, That any and all sums of money, and other funds which shall be received for, or on account of, the said legacy, shall be applied in such manner as Congress may hereafter direct, to the purpose of founding and endowing, at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men; to which application of the said moneys, and other funds, the faith of the United States is hereby pledged.

By virtue of this act the President of the United States did, shortly after its passage, appoint Richard Rush, of Pennsylvania, the agent for recovering the funds in England; which was accordingly done by a decree of the English court of chancery; and on the 1st of September, 1838, the sum of \$508,315.46 was deposited, in gold, at the mint of the United States at Philadelphia, being the proceeds then recovered of the bequest; a further sum having been reserved by the English court of chancery for the payment of a life annuity to the mother of Henry James Hungerford.

By the sixth section of the act of Congress of July 7, 1838, to provide for the support of the Military Academy of the United States at West Point for the year 1838, it was enacted—

That all the money arising from the bequest of the late James Smithson, of London, for the purpose of founding at Washington, in this District, an institution to be denominated the Smithsonian Institution, which may be paid into the Treasury, is hereby appropriated, and shall be invested by the Secretary of the Treasury, with the approbation of the President of the United States, in stocks of States, bearing interest at not less than five per centum per annum; which said stocks shall be held by the

said Secretary, in trust, for the uses specified in the last will and testament of said Smithson, until provision is made by law for carrying the purpose of said bequest into effect; and that the annual interest accruing on the stock aforesaid shall be in like manner invested for the benefit of said Institution.

Under this authority, thus granted before the money was received into the Treasury, the Secretary of the Treasury did, on the 4th of September, 1838, invest \$499,500 by the purchase of 500 bonds of the State of Arkansas for \$1,000 each, bearing 6 per cent interest, payable semiannually on the 1st of January and July of each year, from the said 4th of September; and the further sum of \$8,270.67 was applied to the purchase of eight bonds of the State of Michigan, bearing 6 per cent interest, payable semiannually on the first Mondays in January and July from the 1st of May, 1838; the interest on all these bonds being payable at the city of New York.

By these transactions it will be perceived that the United States became creditors of the States of Arkansas and of Michigan to the amount of the purchase of their respective bonds, and made themselves responsible to the Smithsonian fund for the punctual payment of the principal and interest of said bonds; the faith of the United States having been already pledged for the faithful application of the fund itself to the purposes of the testator—the increase and diffusion of knowledge among men.

At the last session of Congress the President of the United States, by a message to both Houses of the 6th of December, 1838, informed them that the act of the 1st of July, 1836, to enable the Executive to assert and prosecute with effect the claim of the United States to the legacy bequeathed to them by James Smithson, had received its entire execution; and that the amount recovered and paid into the Treasury having, agreeably to an act of the preceding session, been invested in State stocks, he deemed it proper to invite the attention of Congress to the obligation devolving upon the United States to fulfill the object of the bequest. He added that in order to obtain such information as might serve to facilitate its attainment the Secretary of State had been directed to apply to persons versed in science and familiar with the subject of public education for their views as to the mode of disposing of the fund best calculated to meet the intention of the testator and prove most beneficial to mankind. Copies of the circular from the Secretary of State, and of the answers to it received at that Department, were communicated with the message for the consideration of Congress; and for the whole correspondence this committee respectfully refer the House to document No. 11 of the Executive documents of the Third session of the Twenty-fifth Congress.

On the following day (the 7th of December, 1838) another message was transmitted by the President to the House of Representatives, with reports from the Secretaries of State and of the Treasury, in

compliance with a resolution of the House of the 9th of July preceding, requesting the President to cause to be laid before the House all such communications, documents, etc., in the possession of the Executive, or which could be obtained, as should elucidate the origin, progress, and consummation of the process by which the Smithsonian bequest had been recovered, and whatever might be connected with the subject. For this message and accompanying documents the committee refer the House to No. 10 of the Executive documents of the last session.

On the 10th of December, 1838, these two messages, of the 6th and 7th of that month, were referred to a select committee of the House, which proceeded at sundry meetings to consider and discuss the principles upon which it might be desirable to establish the foundation of the Smithsonian Institution so as best to fulfill the benevolent purpose of the testator; to return, by the most effective acknowledgment, the signal honor done to our country and her institutions by the commitment of this great and most honorable trust to the United States of America; to prove them worthy of that trust by the dignity, disinterestedness, and propriety of all their provisions for the disposal of the funds; and finally to organize an establishment which by its ultimate results would in the impartial judgment of mankind, our own contemporaries, and of future ages, at once accomplish the glorious purpose of the testator—the increase and diffusion of knowledge among men, and justify to the eyes of posterity the confidence reposed in these United States by the testator in selecting them for his agents and trustees to accomplish, when he should be no more on earth, his great design for the improvement of the condition of man.

A variety of projects for disposing of the funds had been presented by individuals, in memorials to the House, which were referred to the committee for consideration. No one of them appeared to the committee adapted to accomplish the purpose of the testator. They generally contemplated the establishment of a school, college, or university. They proposed expenditures absorbing in the erection of buildings the capital of the fund itself or a very large portion of it, leaving little or nothing to be invested as a perpetual annuity for future and continual appropriations, contributing to the improvement of future ages as well as of the present generation; and in most of the projects there might be perceived purposes of personal accommodation and emolument to the projector more adapted to the promotion of his own interest than to the increase and diffusion of knowledge among men.

The committee from the earliest of their meetings had agreed that in the report to be made to the House it should be recommended that no part of the funds should be applied to the establishment or support of any school, college, university, or ecclesiastical establishment. They had also agreed to recommend as a fundamental principle for the

organization of the institution and the management of its funds that the capital amount of the bequest should be preserved entire and unimpaired, so invested as to yield an income of 6 per cent a year, which income only should be annually appropriated by Congress and a considerable portion even of those appropriations be constituted as funds from the interest of which expenditures applicable to the purposes of the bequest might be provided for, and the capital of the bequest itself be annually rather increased than diminished.

While the committee of the House were engaged in deliberating upon the means of carrying into effect these principles by special enactment, to be proposed in their report, on the 12th of January, 1839, the subject was taken up for consideration by the Senate of the United States. At the motion of a distinguished member of that body the following joint resolution was adopted:

*Resolved by the Senate (the House of Representatives concurring), That a joint committee be appointed, consisting of seven members of the Senate, and such a number of said House as they shall appoint, to consider the expediency of providing an institution of learning, to be established in the city of Washington, for the application of the legacy bequeathed by James Smithson, of London, to the United States, in trust for that purpose; also, to consider the expediency of a charter for such institution, together with the powers and privileges which, in their opinion, the said charter ought to confer; also, to consider the expediency of ways and means to be provided by Congress, other than said legacy, but in addition thereto, and in aid of said benevolent intention; and to report by bill or bills in the premises.*

This resolution superseded at once all that had been done by the House and its committee upon the two messages of the President of the 6th and 7th of December, 1838. It contemplated an institution of learning at the city of Washington, the establishment of which should not only absorb the whole fund bequeathed by Mr. Smithson, but large appropriations of the public moneys of the nation.

In deference, however, and courtesy to the Senate, the House immediately concurred in their resolution; and the same members to whom, as a select committee of the House, the two messages of the President had been referred, were appointed the committee on the part of the House under the joint resolution.

Several meetings of the joint committee were held and some discussion was entertained; but the propositions of the chairman of the committee on the part of the Senate were so widely at variance with the principles upon which the committee on the part of the House had previously agreed that it soon became apparent that further joint deliberation offered no prospect of a result in which both committees would concur. The committee on the part of the House was notified that the chairman of the Senate's committee was authorized by them to propose any measure on their part which he might deem proper, and to agree to any joint report in which the committee on the part of the House might concur.

On the 26th of January, 1839, the chairman of the committee on the part of the House, by their direction, reported to the House the following resolutions:

*Resolved*, That the sum of ——— dollars, being the amount deposited in the Treasury of the United States, proceeding from the bequest of James Smithson to the United States of America, for the purpose of establishing, at the city of Washington, an institution to bear his name, for the increase and diffusion of knowledge among men, together with what additional sum or sums may hereafter accrue from the same bequest, and so much of the interest as has become, or may become due on the first-named principal sum, until the — day of ———, ought to be constituted a permanent fund, to be invested in a corporate body of trustees, to remain, under the pledge of faith of the United States, undiminished and unimpaired.

*Resolved*, That the said fund ought so to be invested that the faith of the United States shall be pledged for its preservation, unimpaired, and for its yielding an interest or income at the rate of six per cent a year, to be appropriated from time to time, by Congress, to the declared purpose of the founder; and that all appropriations so made shall be exclusively from the interest or income of the fund, and not from any part of the principal thereof.

*Resolved*, That the first appropriations from the interest or income of the Smithsonian fund ought to be for the erection and establishment, at the city of Washington, of an astronomical observatory, provided with the best and most approved instruments and books, for the continual observation, calculation, and recording of the remarkable phenomena of the heavens, for the periodical publication of the observations thus made, and of a nautical almanac, for the use of the mariners of the United States, and of all other navigating nations.

These resolutions were ordered to be printed, and laid on the table for consideration.

On the 6th of February, 1839, the following resolutions were submitted by the chairman of the committee on the part of the House, to the joint committee for consideration:

1. *Resolved*, That the education of the children and youth of these United States has for its object, not the increase and diffusion of knowledge among men, but the endowment of individuals of both sexes with useful knowledge already acquired, and suited to their respective conditions.

2. That the declared object of the bequest of James Smithson to the United States of America being the foundation, at the city of Washington, of an establishment "for the increase and diffusion of knowledge among men," no appropriation of any part of the fund to the purpose of educating the children or youth of these United States would fulfill the intent of the testator.

3. That the education of the children of these United States is a duty of solemn and indispensable obligation incumbent upon their parents and guardians, not for the increase and diffusion of knowledge among men, but to qualify them for the enjoyment of their rights, and the performance of their duties throughout life.

4. That the United States of America, having, by their Congress, accepted as a trust a large and liberal bequest from a foreigner, for the increase and diffusion of knowledge among men, and having pledged their faith for the application of the proceeds of that bequest to the declared purpose of the testator, would neither fulfill that purpose nor redeem their pledge, by appropriating a fund, devised for the benefit of mankind, to the education of their own children.

5. *Resolved, therefore*, That no part of the Smithsonian fund ought to be applied to the education of the children or youth of the United States, nor to any school, college, university, or institute of education.

After the meetings of the joint committee had ceased, the chairman of the committee on the part of the Senate, by virtue of the authority given him by his colleagues, presented to the committee on the part of the House counter resolutions, disapproving of the application of any part of the Smithsonian funds to the establishment of an astronomical observatory, and urging the application of them to the foundation of a university or institution of learning.

At a meeting of the committee on the part of the House, on the 13th of February, 1839, the above resolutions, which had been submitted to the joint committee on the 6th, were unanimously adopted by the members present at the meeting.

As it was thus ascertained that the views of the chairman of the Senate's committee could neither obtain the assent of the committee on the part of the House, nor be conformable to theirs, it was agreed that the chairman of the Senate's committee should prepare a bill which he would wish to have reported, and that the committee on the part of the House should also cause to be prepared a bill presenting the principles upon which they had agreed, and that both the bills should be reported together to both Houses of Congress for consideration. The two bills were accordingly reported to both Houses: To the House on the 16th of February, 1839, where they were twice read and referred to the Committee of the Whole House on the state of the Union. They are numbered 1160 and 1161 among the bills of the House of the last session, but from the lateness of the time when they were reported, and the pressure of other indispensable or more urgent business, they were not taken up for consideration in the Committee of the Whole, and remained without further action of the House upon either of them at the close of the session.

The bill prepared by the chairman of the joint committee on the part of the Senate was taken up in that body on the 25th of February and after full debate, by a vote of 20 to 15, laid on the table. On the 19th and 20th of February, the Senator who had been the chairman of the joint committee introduced in the Senate a resolution to authorize the mayor and city council of the city of Washington to prepare a plan of an institution, to be called the Smithsonian Institution, and to report the same to the Senate at the next session, which resolution was, on the 1st of March, 1839, laid on the table.

The bill prepared by direction of the joint committee on the part of the House, and reported to both Houses, was never acted upon by the Senate. The bill referred to this committee was nearly a transcript from it, and embraces the principles deemed by the committee of the House, which at the last session reported the bill, of primary importance for the organization of the Smithsonian Institution, in the manner the most effective for accomplishing the purposes of the testator.

The first of these principles is, that the capital sum of the Smithso-

nian fund should be preserved entire and unimpaired, invested in such manner as to secure a yearly income of 6 per cent, and a perpetual annuity for yearly appropriation for all future time. The reasons for this are so obvious and so urgent, that it was scarcely to be anticipated they would meet with any deliberate opposition. The object of the testator's bequest is as comprehensive as the human mind, and as durable as the existence of the race of man upon earth. The increase and diffusion of knowledge is, in its nature, progressive to the end of time. An institution which should exhaust in its first establishment and organization the whole, or the principal part of the bequest, would necessarily be confined within limits exceedingly narrow, compared with the vast design of increasing and diffusing knowledge. It would also, as may be concluded from uniform experience, be unable for any long series of years to sustain itself, but would gradually sink into insignificance and apathy, or require continual support from public or private munificence. The Smithsonian fund exceeds half a million of dollars; by investing it safely, under the guaranty of the nation's faith, to yield a yearly income of 6 per cent, it places at the disposal of Congress a sum of more than \$30,000 to be applied every year to any object promotive of the increase and diffusion of knowledge. The means of attaining this end will, from the very progressive nature of knowledge, vary from time to time. Knowledge, in her progress over the world of mind, pours, like the father of the floods, her waters into the ocean of time, swollen by the tributary accession of unnumbered streams.

This was among the principal considerations, connecting the first of these fundamental principles with the second—that no part of the Smithsonian fund, principal or interest, shall be applied to any school, college, university, institute of education, or ecclesiastical establishment.

There are in these United States 95 universities and colleges, besides high schools, academies, and common schools without number. The object of all these institutions is one and the same—education from infancy to manhood. The subjects of instruction are all the departments of human science, from the primer and the spelling book to the theory of infinites and the mechanism of the heavens. They are variously graduated and adapted to the capacities and wants of the expanding mind, from the moment when the child becomes capable of receiving instruction to the full formation of adult age, and the preparation of the citizen for the performance of the duties of active life, and the exercise of the faculties thus acquired for the benefit of the individual himself and of his fellow-creatures in the social relations of life. The ultimate object of them all is instruction—the communication of knowledge already possessed—and not the discovery of new truths or the invention of new instruments for the enlargement of human power. This was evidently the purpose of Mr. Smithson; and

this the committee of the House, which reported their bill at the last session of Congress, unanimously believed to be entirely distinct from that of the establishment of any institution whatever devoted to the education of children or of youth.

In this point of view the bequest of Mr. Smithson assumed, in the opinion of the committee, an interest of the highest order peculiar to itself, most happily adapted to the character of our republican institutions, and destined, if administered in the spirit in which it was bestowed, to command the grateful acclamations of future ages and to illuminate the path of man upon earth with rays of knowledge still gathering with the revolving lapse of time.

They believed that an institute of learning for education in the city of Washington was in no wise needed, there being already there a college with a charter from Congress, founded at great expense, provided with all the apparatus for scientific instruction, furnished with learned, skillful, and assiduous professors and teachers in every department of university studies, and yet scarcely able to sustain its own existence. In the adjoining town of Georgetown there is also a college, and there is, perhaps, no part of the United States where there is less occasion for the institution of a new university or college. By the express terms of the bequest the Smithsonian Institution must be located at the city of Washington. A new university here could not fail either to prove useless itself or to destroy the existing college and materially to injure the neighboring college at Georgetown.

If, indeed, an institution of learning were a suitable object for the application of the Smithsonian fund, it would doubtless be practicable to ingraft the existing Columbian College upon it and thereby, instead of affecting injuriously its interests and prospects, to enlarge its sphere of usefulness and relieve it at the same time from the embarrassment under which it labors. But while it would be manifestly unjust to that college to establish in its immediate vicinity a rival institution more richly endowed from foreign funds, it might be deemed an application not less exceptionable of those funds to the relief or assistance of one particular establishment in this city, narrowing down the general purpose of increasing and diffusing knowledge among men to the special benefit and emolument of one overburdened seminary of learning.

Among the reasons for discarding all institutions of education from the purview of the Smithsonian bequest, the committee of the House at the last session were not insensible to the consideration that the acceptance of a bequest, coupled with a trust for the increase and diffusion of knowledge among men, by the United States of America, imported a career of action in the execution of the trust more comprehensive in its object, more extensive in its design, and therefore more appropriate for the exercise of national powers than the mere education of children.

The education of children is, in all civilized and Christian communities, in the first instance, a solemn and imperative duty of their parents. It stands in the first rank of domestic and family duties; and so far as it connects itself with social relations and becomes a subject of legislation it belongs to that class of interests and concerns which, under our complicated system of government, are considered as exclusively confined to the authorities of the separate States. Whether Congress possess, under the Constitution, the power to establish a national university is at least a matter of doubt; and although they have exclusive jurisdiction in all cases whatever over the District of Columbia, in which the city of Washington is situated, yet an institute of learning coextensive only with the District of Columbia must necessarily be confined, in all its administrations, as much within that District as the universities and colleges within the several States are limited by their respective jurisdictions. Nor did it seem to the committee altogether consistent with the self-respect of a great confederated nation to receive from the hands of a foreigner a liberal fund for the increase and diffusion of knowledge throughout the world of man, and apply it to the schooling of their own children.

The peculiar expressions used by the testator himself, in the indication of the ultimate result of his purpose, and the selection of his trustee, concur in confirming this view of the subject. Had it been his intention to found a college or university for the purposes of education, it seems impossible that he should have avoided the use of words necessarily importing them. The words school, college, university, institution of learning, would have been those most appropriate to the specification of his design; and it is not imaginable that, having such an intention, he should studiously have avoided the use of every word most appropriate for its designation. The increase and diffusion of knowledge among men present neither the idea of knowledge already acquired to be taught, nor of childhood or youth to be instructed; but of new discovery; of progress in the march of the human mind; of accession to the moral, intellectual, and physical powers of the human race; of dissemination throughout the inhabited globe.

And if education had been his design, why should he have selected the city of Washington for the seat of his institute, and the United States of America for his trustees? In the land of his nativity there were children and youth needing and destitute of the blessings of education, in multitudes far exceeding those which might have been found in the city of Washington or throughout the North American Union. In the land of his habitation and of his decease there swarmed around him, ever present to his eyes, numberless children and minors, to whom an institute of learning would have been far more beneficial

than it could possibly be to the children of the city of Washington or of the whole United States. Mr. Smithson had no personal relations with this country; he had never visited its shores; nor from the provisions of his will, nor from anything that has been ascertained of his life, does it appear that he was ever intimate, or even acquainted, with any one native citizen of this Union. Why, then, should he devote the whole of an ample fortune to the education of a comparatively small number of children in a hemisphere distant from that in which he was born, had lived, and was to die, and with which he could have no sympathy other than that of a common nature and common principles of moral and political truth?

Mr. Smithson's bequest was not to the city of Washington, but to the United States of America. His reasons for fixing the seat of his institution at Washington obviously was that there is the seat of Government of the United States; and there the Congress, by whose legislation, and the Executive, through whose agency, the trust committed to the honor, intelligence, and good faith of the nation, is to be fulfilled. The peculiar powers by which Congress is enabled to discharge this trust in all its magnitude are vested in them by their authority of exclusive legislation over the District of Columbia; but, in the execution of the trust, the obligation incumbent upon them by the will of the testator, and by their recorded pledge of the nation's faith, is so to organize and so to superintend the conduct of the institution as to spread the benefits to be derived from it not only over the whole surface of this Union, but throughout the civilized world.

The Smithsonian fund appeared to the committee of the House, which at the last session reported the bill, equivalent to a considerable yearly donation to the United States to be expended in furnishing the means and in rewarding the accomplishment of new discoveries and inventions throughout the whole range of science and of art. The specific means of attaining directly or indirectly this end are as various as the arts and sciences themselves, and as prolific as the imagination of man. Among the many establishments which were suggested to them, or which occurred to their own consideration, which would be strictly included within the express language of the will and the undoubted intention of the testator, that upon which they rested as first deserving, and for a succession of several years, the application of the annual income of the fund, was an astronomical observatory of the most enlarged and liberal character, with provisions for the most effective continual observation of the phenomena of the heavens; for the actual calculations and periodical publication of the results of those observations, and for affording to the navigators of our own and of all other maritime nations our contribution of all the facilities which the detected secrets of the starry universe can furnish to the wandering pilgrim of this sublunary sphere. It was not the intention or expectation of the committee that the appropriations from the Smith-

sonian fund should be confined exclusively to this object. Far otherwise; the improvement of all the arts and sciences was embraced in the letter and in the spirit of Mr. Smithson's bequest; and that was one of the principal reasons which induced the committee to recommend, as a fundamental principal for the organization and conduct of the institution, that perpetuity and a regular income should be irrevocably secured to the fund and yearly appropriations made only from the accruing income. A botanical garden, a cabinet of natural history, a museum of mineralogy, conchology, or geology, a general accumulating library—all institutions of which there are numerous examples among the civilized Christian nations, and of most of which our own country is not entirely destitute; all are undoubtedly included within the comprehensive grasp of Mr. Smithson's design; all may receive in turn, and with progressive utility and power, liberal contributions from the continually growing income of the trust. Nor did the committee believe that the moral or political sciences, the philosophy of language, the natural history of speech, the graces of polite literature, the mechanic or the liberal arts, were to be excluded from the benefits prepared for posterity by the perpetuation of this fund. Whatever personal preference Mr. Smithson may, during his life, have entertained for the cultivation of the natural sciences, no such preference encumbers his bequest or is indicated by his will. It is knowledge, the source of all human wisdom and of all beneficent power; knowledge, as far transcending the postulated lever of Archimedes as the universe transcends this speck of earth upon its face; knowledge, the attribute of Omnipotence, of which man alone in the physical and material world is permitted to participate; the increase and diffusion of which among men is the result to which the ample fortune of Mr. Smithson is devoted, and for the accomplishment of which he selects the United States of America as his trustees and their National Government as his agents. Let not, then, any branch or department of human knowledge be excluded from its equitable share of this benefaction. But it is believed that no one science deserves or requires the immediate application of the accrued and accruing income of the fund so urgently as practical astronomy.

The express object of an observatory is the increase of knowledge by new discovery. The physical relations between the firmament of heaven and the globe allotted by the Creator of all to be the abode of man are discoverable only by the organ of the eye. Many of these relations are indispensable to the existence of human life, and perhaps of the earth itself. Who can conceive the idea of a world without a sun but must connect with it the extinction of light and heat, of all animal life, of all vegetation and production, leaving the lifeless clod of matter to return to the primitive state of chaos or to be consumed by elemental fire? The influence of the moon, of the planets, our next

door neighbors of the solar system, of the fixed stars, scattered over the blue expanse in multitudes exceeding the power of human computation, and at distances of which imagination herself can form no distinct conception; the influence of all these upon the globe which we inhabit, and upon the condition of man, its dying and deathless inhabitant, is great and mysterious, and in the search for final causes to a great degree inscrutable to his finite and limited faculties. The extent to which they are discoverable is and must remain unknown; but to the vigilance of a sleepless eye, to the toil of a tireless hand, and to the meditations of a thinking, combining, and analyzing mind secrets are successively revealed, not only of the deepest import to the welfare of man in his earthly career, but which seem to lift him from the earth to the threshold of his eternal abode, to lead him blindfold up to the council chamber of Omnipotence, and there, stripping the bandage from his eyes, bid him look undazzled at the throne of God.

In the history of the human species (so far as it is known to us), astronomical observation was one of the first objects of pursuit for the acquisition of knowledge. In the first chapter of the Sacred Volume we are told that, in the process of creation, "God said, let there be lights in the firmament of the heavens, to divide the day from the night; and let them be for signs, and for seasons, and for days and years." By the special appointment, then, of the Creator, they were made the standards for the measurement of time upon earth. They were made for more; not only for seasons, for days, and years—but for signs. Signs of what? It may be that the word in this passage has reference to the signs of the Egyptian zodiac, to mark the succession of solar months; or it may indicate a more latent connection between the heavens and the earth, of the nature of judicial astrology. These relations are not only apparent to the most superficial observation of man, but many of them remain inexhaustible funds of successive discovery—perhaps as long as the continued existence of man upon earth. What an unknown world of mind, for example, is yet teeming in the womb of time, to be revealed in tracing the causes of the sympathy between the magnet and the pole—that unseen, immaterial spirit, which walks with us through the most entangled forests, over the most interminable wilderness, and across every region of the pathless deep, by day, by night, in the calm serene of a cloudless sky, and in the howling of the hurricane or the typhoon. Who can witness the movements of that tremulous needle, poised upon its center, still tending to the polar star, but obedient to His distant hand, armed with a metallic guide, round every point of the compass, at the fiat of His will, without feeling a thrill of amazement approaching to superstition? The discovery of the attractive power of the magnet was made before the invention of the alphabet or the age of hieroglyphics. No record of the event is found upon the annals of human history; but seven hun-

dred years have scarcely passed away since its polarity was first known to the civilized European man. It was by observation of the periodical revolution of the earth in her orbit round the sun, compared with her daily revolution round her axis, that was disclosed the fact that her annual period was composed of 365 of her daily revolutions, or, in other words, that the year was composed of 365 days; but the shepherds of Egypt, watching their flocks by night, could not but observe the movements of the dog star—next to the sun, the most brilliant of the luminaries of heaven. They worshiped that star as a god; and losing sight of him for about forty days every year, during his conjunction with the sun, they watched with intense anxiety for his reappearance in the sky, and with that day commenced their year. By this practice, it failed not soon to be found that, although the reappearance of the star, for three successive years, was at the end of 365 days, it would on the fourth year be delayed one day longer; and after repeated observation of this phenomenon, they added six hours to the computed duration of the year, and established the canicular period of four years, consisting of 1,461 days. It was not until the days of Julius Cæsar that this computation of time was adopted in the Roman calendar; and fifteen centuries from that time had elapsed before the yearly celebration of the Christian paschal festivals, founded upon the Passover of the Levitical law, revealed the fact that the annual revolution of the earth, in her orbit round the sun, is not precisely of 365 days and one-quarter, but of between 11 and 12 minutes less; and thus the duration of the year was ascertained, as a measure of time, to an accuracy of three or four seconds, more or less—a mistake which would scarcely amount to one day in 20,000 years.

It is, then, to the successive discoveries of persevering astronomical observation through a period of fifty centuries that we are indebted for a fixed and permanent standard for the measurement of time. And by the same science has man acquired, so far as he possesses it, a standard for the measurement of space. A standard for the measurement of the dimensions and distances of the fixed stars from ourselves is yet to be found; and, if ever found, will be through the means of astronomical observation. The influence of all these discoveries upon the condition of man is, no doubt, infinitely diversified in relative importance; but all, even the minutest, contribute to the increase and diffusion of knowledge. There is no richer field of science opened to the exploration of man in search of knowledge than astronomical observation; nor is there, in the opinion of this committee, any duty more impressively incumbent upon all human governments than that of furnishing means and facilities and rewards to those who devote the labors of their lives to the indefatigable industry, the unceasing vigilance, and the bright intelligence indispensable to success in these pursuits.

The committee will add, that at no period of human history has the general impulse of the learned world been more intensely directed to the cultivation of this science than in the present age. It was an observation of Voltaire that if the whole human race could be assembled in one mass from the creation of man to his time, in the graduation of genius among them all, Isaac Newton would stand at their head. But the discoveries of Newton were the results of calculations founded upon the observations of others—of Copernicus, of Tycho Brahe, of Kepler, of Flamsteed; and among their producing causes, not the least was the erection and establishment of the royal observatory of Greenwich.

The original purpose of this institution, first commenced in 1676, under the patronage of Charles II, and the most glorious incident of his life, was for the finding out the so much desired longitudes of places for the perfecting the art of navigation; and the inscription still existing above the original door of the observatory declares that it was built for the benefit of astronomy and navigation; so intimately connected together are the abstract science and the practical art that without the help of the astronomer the seaman could not urge his bark in safety one inch beyond the sight of the shore.

The discovery of the longitudes of places, the benefit of astronomy and navigation, were thus the declared objects of the erecting of the Greenwich Observatory, and of the appointment, in the person of Flamsteed, of an astronomical observator with a salary of one hundred pounds sterling a year, leaving him to provide himself with all the instruments and books necessary for the performance of his duties. And what were the first fruits of this institution? (1) An increased accuracy of observation, by the attachment of telescopes to graduated instruments, and by the use of a clock to note the time<sup>a</sup> at which stars and planets passed, by their apparent diurnal motion, across the middle of the field of view of the telescope. (2) A catalogue of the places of 3,310 stars, with a name affixed to each of them, the selection and nomenclature of which have served as the basis to every catalogue since that time. Nor is it an uninteresting incident in the progressive history of astronomical knowledge that when, 100 years later, Herschel discovered that the star which bears his name was a planet, he found it as a fixed star upon the catalogue of Flamsteed. (3) Many of Flamsteed's observations of the moon, reduced as well as was then practicable, were, at Newton's request, communicated to him, to aid in perfecting the theory deduced from the principle of universal gravitation. "The time," as has been well observed by the present astronomer royal, the Reverend George Biddell Airy, "the time at which these observations were made was a most critical one—when the most accurate observations that had been made were needed for the support of the most extensive philosophical theory that man had invented."

Since the death of Flamsteed, the office of astronomer royal has been successively filled by Doctor Halley, who has given his name to the most splendid comet of the solar system, by computing its orbit and predicting its return after a period of about seventy-five years, already twice verified; then by Bradley, immortalized by the two discoveries of the aberration of light and the nutation of the earth's axis; by Bliss, Maskelyne, and Pond; the present successor of whom is Mr. Airy—like all his predecessors, among the most eminent astronomers of the age. For the space of nearly two centuries this institution has existed and has been the seat of continuous observations, scarcely interrupted by the intervals between the cessation of the labors of one observator and the commencement of those of his successor, an arrangement made by the means of assistants, which has contributed to distinguish the system of observations pursued at Greenwich from that followed at every other observatory.

From such small beginnings originated and thus illustrious has been the career of the royal observatory of Greenwich. Originally attached to the ordnance department, it was in 1816 or 1817 transferred to the department of the admiralty. The estimates for the annual expense of the observatory are inserted under the "scientific branch" of the admiralty account in the Parliamentary estimates and are voted annually by Parliament.

The committee of the House take the liberty of annexing to this report extracts of a communication from the present astronomer royal, Mr. Airy, received in the course of the last summer by their chairman, and containing much valuable information concerning the royal observatory at Greenwich, and relating to other astronomical observatories within the British dominions and under the patronage of the British Government.

The history of the royal observatory of France would present an exhibition not less interesting of the benefits conferred upon mankind by the slightest notices bestowed by the rulers of mankind upon the pursuit of knowledge; and the names of the four Cassinis would range in honorable distinction by the side of those of Flamsteed, Halley, Bradley, and Maskelyne.

Within the last century the other governments of Europe have emulated with those of France and England in erecting and endowing astronomical observatories, the number of which in that quarter of the globe is not less at this time than 120, while throughout the whole range of these United States there is not one.

In the British islands alone there are observatories at the universities of Cambridge and Oxford; at Edinburgh and Glasgow, in Scotland, and at Dublin and Armagh, in Ireland, all of which receive some patronage from the Government. And, in addition to which, there has been erected, under the same patronage, an observatory at

the Cape of Good Hope, already made illustrious by the labors of Sir John Herschel.

Among the munificent patrons of science, and particularly of practical astronomy, adding a brighter luster than that of the diamond or the ruby to the imperial crown, is the present Emperor of all the Russias. There was, during the reign of his predecessor, a small observatory at St. Petersburg, at which the eminent German astronomer Schubert, author of a profoundly learned and also of the best popular system of astronomy extant, presided.

But no longer since than the 7th of August last the inauguration took place of the new observatory of Pulkowa, near St. Petersburg, a spot selected by the Emperor Nicholas himself for the establishment founded under his auspices, and constituting perhaps the most perfect and best appointed institution of this nature extant in the world. In November last an account of this event, and a long and detailed description of the observatory itself, was communicated by Mr. Arago to the National Institute of France; and the reporter of this discourse of Mr. Arago, in one of the periodical journals of Paris, observes that its details would be read with interest and give an idea of the exertions made in that land of serfs for the progress of the sciences. "We acknowledge," adds the journalist, "that the reading of this article would have been very little flattering to our national self-love if the honorable Mr. Arago had not immediately informed us that, by the accomplished labors of Mr. Gambay, the observatory of Paris has no reason to shrink from a comparison with this new model of observatories at Pulkowa."

The committee of the House can not but consider these circumstances as indicating, in an eminent degree, that intense and ardent thirst for the increase and diffusion of knowledge which, among all the nations of Christendom, however politically governed, forms one of the most remarkable characteristics of the age in which we live. Here is the sovereign of the mightiest empire and the most absolute government upon earth, ruling over a land of serfs, gathering a radiance of glory around his throne by founding and endowing the most costly and most complete establishment for astronomical observation on the face of the earth. This is undertaken and accomplished under hyperborean skies—in the region so proximate to the pole that it offers to the inspection of the human eye only a scanty portion of the northern hemisphere, with an atmosphere so chilled with cold, veiled with clouds, and obscured with vapors that it yields scarcely sixty days in the year when observation of the heavenly bodies is practicable. And this event is honorably noticed in the National Institute of France, one of the most learned and talented assemblies of men upon the globe—noticed as an occurrence in the annals of science—noticed for honor and for emulation. The journalist of a free country, applauding the

exertions of a land of serfs to promote the progress of science, avows that he should blush for his own country had he not at hand the evidence of her exertions not less strenuous for the advancement of the same cause.

The committee of the House, in applying to their own country that sensibility to the national honor which the French journalist attributes to self-love, would gladly seek for its gratification in the same assurance that she is not lagging behind in the race of honor, but that, in casting their eyes around over the whole length and breadth of their native land, they must blush to acknowledge that not a single edifice deserving the name of an astronomical observatory is to be seen.

The bill reported by the committee of this House, at the last session of Congress, bears testimony to their earnest desire that this reproach might be removed from the people of the North American Union. That bill was unaccompanied with a report, because other views of the disposal of the fund bequeathed to the United States by Mr. Smithson had been entertained by the chairman of the joint committee on the part of the Senate, in which views his colleagues of the same committee acquiesced. As a compromise of irreconcilable opinions, it became necessary, therefore, to agree that the two bills should be reported together to both Houses; and as it was obvious that the remnant of time to the close of that session would be so absorbed by other and indispensable business that it would be impossible deliberately to discuss either of the bills in the House, and to avoid, in deference to the committee on the part of the Senate, and to their chairman, any unnecessary display of argument against their bill, it was reported by the committee of the House, together with their own bill, without commentary upon either. The object of the chairman of the committee on the part of the Senate, for the disposal of the Smithsonian fund, was the establishment of an institution of learning, or great national university, by the authority of Congress, which would not only absorb the whole bequest, but would require the superaddition of large and frequent appropriations of public moneys for its maintenance and support. The bill of that committee, reported to the Senate, was actually taken up in that body, and, after deliberate discussion of its merits, was by them rejected. The immediate consequence of the interposition of that body upon a subject which had been already several weeks under the consideration of a select committee of this House, was to prevent the possible action of Congress for the fulfillment, at that session, of the trust committed to them.

Four members of the committee of the House, at the last session of Congress, are also members of the present committee. Retaining their opinions in favor of the bill then reported by the committee on the part of the House, they see no cause to regret the delay to the final action of Congress upon the disposal of the bequest, occasioned

by the appointment and proceedings of the joint committee of both Houses at the last session. To the faithful performance by Congress of the solemn duties imposed on them by the acceptance of this fund and trust to the honor and pledged faith of the nation, it was wise and just to do nothing with precipitation. The routine of the ordinary business of Congress furnished neither principle nor precedent for efficient legislation upon this subject; the trust was as delicate as it was important to the memory of the testator, and honorable to the good name of the trustee. An error in the first organization of the institution might, in its consequences, at once defeat the noble purpose of the founder, fail in the express object of his bounty—the increase and diffusion of knowledge among men—and react, most injuriously, upon the reputation of our beloved country, by demonstrating to the world of mankind, of this and after ages, that the generous confidence of this friend of man in her upright and intelligent ardor in the pursuit of knowledge was misplaced.

It was in the true spirit of the bequest itself that the settlement of the principles upon which the institution should be founded should be calm and considerate, and, above all, disinterested; separated from all projects of individuals, and, perhaps, communities, for provisions of emolument to themselves; separated from all speculative, patent inventions and discoveries in embryo, which, after wasting time and money upon the false conceptions of genius, may never come to the birth; separate, in fine, from all schools, colleges, universities, institutes of education, or ecclesiastical establishments.

It was particularly desirable that the exclusion of all institutes for education from a participation in the disposal of these funds should be fully considered and debated before its adoption as a fundamental principle of the Smithsonian Institution, because the first impression upon the public mind, whether learned or illiterate, in this country, very extensively, was, upon the first publication of Mr. Smithson's will, that the express design of his bequest was to bestow his large fortune to the cause of education; and that a school, college, or university, was the only mode of providing for the increase and diffusion of knowledge among men.

It is, then, to be considered as a circumstance propitious to the final disposal of this fund, by the organization of an institution the best adapted to accomplish the design of the testator, that this first but erroneous impression of that design—an institute of learning, a university, upon the foundation of which the whole fund should be lavished, and yet prove inadequate to its purpose without large appropriations of public moneys in its aid—should have been presented to the consideration of Congress, referred to a numerous joint committee of both Houses, there discussed, reported for the deliberation of both Houses, fully debated in the House where it originated, and there decisively rejected.

This committee concur entirely in the opinion of the committee of the House at the last session of Congress, that the express language of Mr. Smithson's will indicates a design not only distinct, but widely different from the schooling of children. Besides the reasons assigned in the resolutions of the former committee for withholding any portion of these funds from any institute of education, it is apparent that the fund itself, large and liberal as it is, could be applied only to an establishment extremely partial and limited, not only with regard to the instruction to be given, but to the persons who could be benefited by it. For a national university, besides the utter inadequateness of the fund for such an establishment, all its benefits would necessarily be confined to a very small number of students from the city of Washington and its immediate vicinity, together with a number scarcely larger, who, at an expense which none but the wealthy could afford, might resort from distant parts of the Union to Washington for learning, which, after all, they could acquire with equal proficiency in the colleges of their own respective States. A school devoted to any particular branch of science—as, for example, a military or naval school, a farm school, or school of mechanic arts, a school of law, physic, or divinity, a school of mines, of natural history, of metaphysics, literature, morals or politics—however effective for teaching these several branches of science, would be available only for a very small number of individuals, and very ill-adapted to promote the increase and diffusion of knowledge among men. If education had been the peculiar object of Mr. Smithson's solicitude, it is natural to suppose that he would have been desirous of diffusing the benefits of his institution among all classes of the community as extensively as might be possible; that he would have devoted it to the endowment of primary schools, of infant or Sunday schools, of institutions, in fine, where the recipients of his bounty would have been at once in great numbers, and of the class of society which preeminently needs the blessing of elementary instruction. It would, no doubt, have been an excellent disposal of his ample fortune, and would indirectly have contributed to the increase and diffusion of knowledge among men. But had this been his design, he could neither have located his institution at the city of Washington nor have selected for trustees and agents to fulfill his design the United States of America.

In proposing that an astronomical observatory should be the first object for the application of the annual income from the Smithsonian bequest, and that the appropriations should be confined to that object until an establishment of that character shall be completed, not inferior for efficiency to any other devoted to the same science in any part of the world, this committee have been not altogether uninfluenced by anticipations of the impression which it will make upon the reputation of these United States throughout the learned and scientific world.

As a commercial and navigating nation, they stand already in the first rank of Christian communities. To the science of geography, so far as it can be improved by adventurous enterprise in exploring the unfrequented paths of every ocean, they have contributed their share of private and individual exertion. The expedition now floating upon a distant sea in search of new discoveries upon the surface of the globe, affords a signal testimonial of the interest taken by this Government in the increase and diffusion of geographical knowledge. Nor has astronomy been wholly neglected in the instructions given for the conduct of the expedition. But there exists no permanent establishment throughout the Union for systematic continual observation of the phenomena of the heavens; for the mathematical calculations to furnish the practical results of observation; and for periodical publication, for the benefit of the commercial, navigating, and scientific world, of the fruits of this combined observation and calculation. To supply this deficiency, the bequest of James Smithson fortunately furnishes the means, without needing the assistance of any contribution from the public funds of the nation. Should the Government of the Union, responding to an impulse of emulation in laudable pursuits which may be kindled in the minds of this ambitious people by successful results in the application of the Smithsonian funds, hereafter be disposed to appropriate some portion of the moneys levied upon the people themselves to the advancement of astronomical or geographical knowledge, there will be ample field for demonstrating to the world that the United States of America were not only worthy of the honor done them by a generous foreigner in selecting them as the administrators of his bequest for the improvement of the condition of man, but that the American people themselves will require a liberal application of their own revenues, levied upon themselves, to the same lofty-spirited purpose. The committee are of opinion that it will be expedient to keep the Smithsonian bequest within itself, resting upon its own resources, and reserving to the memory of the founder himself whatever of credit or of gratitude may be due to the successful accomplishment of his benevolent design. Not a ray of glory can be concentrated upon him but will be reflected back upon those whom he selected as his administrators and trustees.

With these observations, the committee submit the bill and proposed amendments to the consideration of the House:

SECTION 1. *Be it enacted etc.*, That the Vice-President of the United States, the Chief Justice of the United States, the Secretaries of State, of the Treasury, of War, and of the Navy, the Attorney-General of the United States, and the mayor of the city of Washington, all during the time when they shall hold their respective offices, together with three members of the Senate and four members of the House of Representatives, to be annually elected by their respective Houses on the second Wednesday of December, and to continue in office until others are elected in their stead, shall be, and hereby are, constituted a body politic and corporate, by the style and

title of the trustees of the Smithsonian Institution for the increase and diffusion of knowledge among men, with perpetual succession, and the usual powers, duties, and liabilities incident to corporations.

SEC. 2. *And be it further enacted*, That the corporation so constituted shall have power to appoint, from citizens of the United States other than members of the board, a secretary and a treasurer, to hold their offices during the pleasure of the board, and removable at their pleasure, and others to be appointed in their places, and to fix their compensations. And the secretary and treasurer only shall receive pecuniary compensation for their services, and those of the members of the board of trustees shall be gratuitous. And the offices of secretary and treasurer may, at the discretion of the board of trustees, be held by the same person. The secretary and treasurer shall be sworn to the faithful discharge of the duties of their respective offices; and the treasurer shall give bond, with the penalty of \$50,000 with sureties to the satisfaction of the Secretary of the Treasury, for the safe custody and faithful application of all the funds of the Institution which may come to his hands or be at his disposal.

SEC. 3. *And be it further enacted*, That the sum of \$508,318.46 placed in the Treasury of the United States on the first day of September, 1838, as the proceeds, in part, of the bequest of James Smithson to the United States, together with all sums which have been or may hereafter be realized, shall be passed hereafter to the credit of a fund, to be denominated the Smithsonian fund, in the Treasury of the United States. And the faith of the United States is hereby pledged for the preservation of the said fund undiminished and unimpaired, to bear interest at the rate of six per cent a year, payable on the first days of January and July to the treasurer of the board of trustees of the Smithsonian fund, to be applied to the purposes of the fund, conformably to the laws, and subject to the revision and regulations of the board of trustees.

SEC. 4. *And be it further enacted*, That no part of the said Smithsonian fund, principal or interest, shall be applied to any school, college, university, institute of education, or ecclesiastical establishment.

SEC. 5. *And be it further enacted*, That the appropriations to be made from time to time by Congress, to the purposes of the Smithsonian Institution, as declared by the testator, shall be exclusively from the accruing interest, and not from the principal, of the said fund: *Provided*, That Congress shall retain the power of investing, at their discretion, the principal of said fund in any other manner so as to secure not less than a yearly interest of six per cent.

SEC. 6. *And be it further enacted*, That the sum of \$30,000, part of the first year's interest accruing on the same Smithsonian fund, be, and the same is hereby, appropriated towards the erection and establishment, at the city of Washington, of an astronomical observatory adapted to the most effective and continual observations of the phenomena of the heavens; to be provided with the necessary, best, and most perfect instruments and books for the periodical publication of the said observations and for the annual composition and publication of a nautical almanac.

SEC. 7. *And be it further enacted*, That the said observatory shall be erected under the direction of the Secretary of the Treasury, subject to the approbation of the President of the United States. And the site for the same shall be selected upon land in the city of Washington belonging to the United States; and the land necessary for the same, and for any other buildings proper to be connected with the said observatory and the appurtenances thereof, is hereby granted, and shall be duly conveyed, as a deed of gift, to the trustees of the Smithsonian fund, and to their successors forever, in aid of the purposes of the said Institution.

SEC. 8. *And be it further enacted*, That all expenditures made by the said board shall be subject to the approval of the President of the United States; and all the accounts thereof shall be reported to the Secretary of the Treasury, and audited, under his direction, by the proper officers of the Treasury Department; and the said board shall

report to Congress, at every session thereof, the state of the Smithsonian fund and a full statement of their receipts and expenditures during the preceding year.

SEC. 9. *And be it further enacted*, That the first meeting of the trustees of the Smithsonian fund shall be held at the city of Washington on the third — of — next; and that, in the meantime, the custody of the said fund, and the expenditures under the appropriation herein made, shall be held and authorized by the Secretary of the Treasury, subject to the approbation of the President of the United States.

SEC. 10. *And be it further enacted*, That there shall be a board of visitors, to be annually appointed, consisting of nine members; two of whom to be commissioned officers of the Army, to be appointed by the Secretary of War; two commissioned officers of the Navy, to be appointed by the Secretary of the Navy; the mayors for the time being of the cities of Alexandria and of Georgetown, within the District of Columbia; and one citizen of each of the cities of Washington, and Alexandria, and Georgetown, to be appointed by the President of the United States, who shall meet on the first Monday of February, at eleven o'clock, before noon, at the said astronomical observatory, and visit and inspect the condition of the said observatory, and of the Smithsonian Institution generally. They shall choose among themselves a chairman, and shall make report to the President of the United States of the said condition of the institution, specifically indicating in what respect the institution has, during the preceding year, contributed to the purpose of the founder—the increase and diffusion of knowledge among men. To this board the astronomical observator shall make a report to the same effect, so far as regards the astronomical branch of the institution; which report shall be annexed to that of the board to the President of the United States, who shall communicate the said reports to Congress. The services of the members of the said board shall be gratuitous; but the expenses incidental to their meeting and the performance of their duties shall be included in the annual estimates of the War and Navy Departments, alternately, and paid from the contingent expenses thereof respectively.

SEC. 11. *And be it further enacted*, That there is reserved to Congress the right of altering, amending, adding to, or repealing, any of the provisions of this act, which shall be found inconvenient upon experience: *Provided*, That no contract or individual right, made or acquired under such provisions, shall thereby be impaired or divested.

SEC. 12. *And be it further enacted*, That the sum of \$60,000 from the second and third years' interest of the Smithsonian bequest be, and the same is hereby, appropriated, to be invested so as to yield a yearly income at the rate of six per cent a year; from which yearly income shall be paid the compensation of an astronomical observator, to be appointed by the President, by and with the advice and consent of the Senate of the United States, and the incidental and contingent expenses of repairs upon the buildings, as they may be required.

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#### APPENDIX TO REPORT OF SELECT COMMITTEE.

*Estimate of the expense of erecting an astronomical observatory of the first class, and of supporting it by appropriations from the income of the Smithsonian fund.*

In the letter of October 11, 1838, to the Secretary of State, communicated to Congress with the message of the President of the 6th of December of that year, a conjectural estimate was given of the expense of establishing and maintaining a permanent astronomical observatory, and of the periodical publication of the results of the observations there made, and of a nautical almanac. That estimate contemplated the income of seven years of the fund as indispensably necessary for completing and organizing the establishment in such manner as to avoid all encroachment on the

capital of the Smithsonian fund; to increase it by providing from its income permanent funds for the discharge of the most of constantly accruing expenditures incident to it; and to relieve the fund itself forever after from any further contribution to this branch of the institution.

Further reflection and the information received of the expenses actually chargeable upon the Greenwich Observatory, and defrayed by the British Government, have led to the conclusion that the estimate was yet not sufficiently liberal; and that, for the accomplishment of the above purposes, not less than ten years of the income will be required exclusively for this object. But of this large sum an overbearing proportion will, while providing for all the necessary expenses of the establishment, at the same time increase the capital of the fund by the value of the buildings erected, and of the instruments and books purchased, and by the amount of the funds, from the interest of which the observing astronomer, his assistants, and all the persons to be employed in the service of the observatory, shall receive their compensation. The following is a gross estimate of the sums which, it is believed, will be required for the full execution of the plan presented in the bill herewith reported:

ESTIMATE OF THE APPROPRIATIONS FROM THE ANNUAL INCOME OF THE SMITHSONIAN FUND, ASSUMED TO BE \$30,000.

For the purchase of land and construction of the necessary buildings—one year.....	\$30, 000
For a fund, from the yearly income of which the compensation of the observing astronomer shall be paid, two years.....	60, 000
The interest of this sum will be \$3,600 a year, of which \$3,000 a year may be fixed as the salary of the astronomer, and \$600 for the incidental and contingent expenses of repairs upon the buildings, as they may be required.	
For a fund, from the yearly income of which four assistants to the astronomer, and two laborers necessary for attendance on him, for the care and preservation of the buildings—four years .....	120, 000
The income would be \$7,200 a year, of which \$6,000 a year might be for the compensation of four assistants, at \$1,500 a year each, and two laborers, each at \$600 a year.	
For the purchase and procurement of instruments—one year.....	30, 000
Of this, \$20,000 might be applied to furnish an assortment of the best instruments to be procured, and \$10,000 a fund, from the interest of which other instruments may be from time to time procured, as occasions for the use of them may arise, and for repairs of the instruments, as needed.	
For the library—one year.....	30, 000
\$10,000 for first supply; \$20,000 for a fund for an income of \$1,200 a year, for a constant supply of new works and periodical publications upon science in other parts of the world, or in America.	
Estimate for a fund, from the income of which \$1,800 a year shall be defrayed—the expense of the yearly publication of the observations, and of a nautical almanac—one year.....	30, 000

*John Q. Adams to Christopher Hughes.*

WASHINGTON, April 10, 1839.

DEAR SIR: I wish to obtain information upon the following points relating to the royal observatory at Greenwich:

1. By whom, and at whose expense, was the royal observatory at Greenwich built? At whose expense is it maintained?

2. What are the buildings connected with it, and how much land is there around it belonging to it?

3. Has it at any time been rebuilt, or has its construction been in any wise altered?

4. By whom is the astronomer royal appointed and paid? What is the amount of his compensation?

5. What are his duties and in what manner are they prescribed? Is there a standing instruction to regulate his observations? Is he required to make reports; and if so, to whom?

6. Are there any other persons attached to the observatory as assistants, calculators, or servants? If so, what are their duties and their compensation?

7. What are the instruments used at the observatory? By whom, and at whose expense, are they furnished? What was their cost, and by whom were they made? A list of them, with their prices, and their maker's name, would be very acceptable.

8. Is there any library belonging to the establishment? If so, consisting of what books?

9. Who is now the most eminent mathematical and astronomical instrument maker in London? Is there any successor to Troughton?

If you can obtain me any information of the same, or similar particulars with regard to any of the public observatories in any part of the Continent of Europe, I shall owe you another obligation for the communication of them.

I am, my dear sir, with the highest esteem and respect, your friend and servant,  
JOHN Q. ADAMS.

CHRISTOPHER HUGHES, Esq.

*Answers by the Astronomer Royal, the Rev. George B. Airy, to Mr. Adams's questions, dated April 10, 1839.*

1. The royal observatory at Greenwich was built, at the expense of the Government, in the reign of Charles II (about 1670), and the buildings have always been repaired or extended at the expense of the Government. The instruments used by Flamsteed, the first astronomer royal, were not furnished by the Government and were taken away by his executors. Since that time the instruments have always been furnished by the Government, except in two instances where instruments have been presented. The observations are now printed at the expense of the Government. Thus every expense connected with the observatory is defrayed by the Government. The observatory was at first connected with the ordnance department of the executive (I believe from the accidental circumstance that Sir Jonas Moor, the personal friend of Flamsteed and one of the original proposers of the observatory, was then master-general of the ordnance). In the year 1816 or 1817 it was transferred to the admiralty department. The estimates for the annual expense of the observatory are inserted under the "scientific branch" of the admiralty account in the Parliamentary estimates and are voted annually by Parliament.

In the original institution of the observatory no provision was made for the printing of the observations or for the communication of the results to the public in any way, and no obligation to that effect was imposed on the astronomer royal. When Flamsteed had held the office about thirty years and had published nothing, the Royal Society applied to the Queen to appoint a board of visitors (one of them being Sir Isaac Newton, the president of the Royal Society) to superintend the observatory generally and with power to require a publication of the observations. (For a full detail of the quarrel which followed I would refer to Baily's Account of the Life, etc., of John Flamsteed, which may probably be found in the libraries of the scientific bodies in America.) An edition of the observations was printed by them; but another edition was afterwards printed by Flamsteed himself. Halley, the next

astronomer royal, printed nothing of observations. Bradley and Bliss left manuscripts; but the right of the Government to them was disputed, and they were ultimately printed by the University of Oxford. It was not till 1767, on Maskelyne's accession, that the King (George III), on the petition of the Royal Society, ordered that the observations should be printed annually; and since that time there has been no doubt that the observations are the property of the Government and are to be printed annually.

The board of visitors above alluded to existed without alteration (as I believe) till 1830; and it was by that board (as I imagine) that representations were made to the Government which led to the purchase of instruments in Halley's time, to the regular printing of the observations in Maskelyne's time, etc. The president and council of the Royal Society (or part of them), with a number of persons invited by them, either fellows of the society or strangers, met once a year at the royal observatory, inspected the instruments, and discussed the general business of the observatory. They had, I believe, no power except to recommend measures to the executive. The meeting was rather numerous. In 1830 the old board was abolished and a new one appointed by name from the Royal and Astronomical societies.<sup>1</sup> Vacancies are filled up by the president of that society in which the vacancies occur. This board has no power to invite assessors; its powers as to making representations, etc., are the same as those of the old board. On the first appointment of the new board there was exhibited in it a rather vexatious spirit toward the then astronomer royal, Mr. Pond. Since my appointment as astronomer royal the board has scarcely interfered in anything, except in matters which I have myself suggested.

The visitors receive no pay. Lately it has been ordered that their bare expenses be paid.

I have given a rather comprehensive answer to No. 1, touching upon the subjects of other questions, and embracing points not at all alluded to in the questions, because, probably, there is no other active institution whose history serves so well to suggest the points to which attention ought to be given in founding a new institution of similar character, as well as the amount of the charges which, in future years, may be required in all the branches of the institution.

I omitted to mention that the astronomer royal's account of disbursements, and bills for expenses of all kinds connected with the observatory, were formerly audited by the board of visitors. This audit was found to be insufficient; and the accounts are now transmitted, in the same way as those of any other department under the admiralty, to the Government offices.

2. For a plan of the building first erected, I refer again to Baily's "Account, etc.," cited above. There were a small house, one large room above it, covering nearly the whole house, with lofty windows on all sides, intended, I suppose, for gazing astronomical observations (but quite useless for the purposes of modern astronomy), a garden or lawn about 80 feet square, and a small low building in one corner of it, in which Flamsteed's really useful instruments were placed. The place was very small. The situation, in the middle of the royal park of Greenwich, has probably prevented the necessity for inclosure so large as would elsewhere be required, inasmuch as it was impossible that houses could be built close to the inclosure. The history in Halley's time is so defective that I am not certain whether the building, which is to this time the principal observing building, was erected then or not, but I should think that it was. It was certainly erected before 1750, when Bradley's regular observations begin. It consists of a room about 20 feet square for the transit,

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<sup>1</sup> With a few official persons, as the presidents of the two societies, two professors of the University of Oxford, and two professors of the University of Cambridge, ex officio; the whole number of the visitors being about 19. This fluctuates, because all ex-presidents are members of the board.

and a similar room for the quadrants (both on the ground floor and with no rooms above them), and a central computing room, with room for an assistant above. It is not connected with the dwelling house. When this was erected the inclosure was nearly doubled. In Dr. Maskelyne's time two small detached rooms were covered with revolving domes for equatorial instruments. Their situation is particularly unfavorable. In the beginning of Dr. Maskelyne's time the dwelling house was extended. About the end of Dr. Maskelyne's time the observing building was extended in preparation for a mural circle, which was not erected till after his death, and some new buildings were erected for library, etc., and for assistants' apartments. A building was erected, to be covered with a revolving dome (called the south dome). An addition was made to the inclosure. The whole inclosure was now about half an acre. It covered the whole of the small steep hill on which the observatory stands, quite to the isthmus or neck that connects it with the table-land of the higher side of the park. About 1817 part of the steep dell behind the hill was inclosed as a garden for the astronomer royal. In 1837 part of the table-land beyond the dell was inclosed for the erection of a magnetic observatory. The dwelling house, which was too small, was enlarged in 1836. Thus the present state of the buildings and grounds (1839) is nearly as follows: Whole inclosure about 2½ acres, of which 1 acre or more can never be available for buildings on account of the steepness of the ground, and is used as a garden and waste ground. Whole set of buildings: (1) Dwelling house of the astronomer royal, with the great room above part of it; (2) two domes (east and west domes), detached; (3) detached range of buildings, including Flamsteed's small room, the quadrant room (not used now), the transit room, the circle room, the library, the chronometer room, the south dome, the computing room, some assistants' apartments (not for their dwelling, but for their comfort or repose in the intervals of observation); (4) magnetic observatory, detached; (5) carpenter's shop, gardener's shop, and other outhouses.

The extent of ground would not be sufficient if there were not the safety from being surrounded by buildings which is given by the locality within a royal park.

3. The construction of the observatory has been altered almost entirely by additions. Nearly the whole of the original work remains. The collection of buildings is now exceedingly irregular and in some respects inconvenient.

4. The astronomer royal is appointed by the first lord of the treasury; but his connection with the admiralty is so close that the first lord of the admiralty probably has the principal influence in his appointment. He holds his office by warrant under the sign manual of the sovereign. The salary was formerly £100. Bradley and Bliss both held it with professorships at Oxford; but the salary has gradually been raised and is now £800 (subject to a deduction for a fund for superannuation), and it is expected that the astronomer royal shall hold no other office.

5. The duties of the astronomer royal are not very definite; but undoubtedly he is to attend to the main points of astronomy to the best of his judgment rather than to anything of a discursive nature. The appointment originated in the desire of discovering means of finding the longitude at sea, and therefore anything applying to longitude would specially require his attention. In this way the trials of chronometers first became a part of his duty, from which by degrees it arose that the care and regular supply of chronometers for the royal navy were imposed upon him, to the great injury of the astronomical efficiency of the observatory. Lately, the chronometer business has been confined to rating the chronometers on trial for purchase or navy chronometers brought on shore, with occasional supplies of chronometers to ships by direction of the admiralty, and with general superintendence of the repairs.

The duties are prescribed, first, by the Queen's warrant, which merely directs the astronomer to apply himself with diligence to observing the heavenly bodies for finding out the so-much-desired longitude at sea (the same words as in the warrant originally given to Flamsteed); second, by the official instructions given by the

admiralty board (who have been empowered to issue instructions by the Queen in council), which enter a little more minutely into the duties, but necessarily leave the course of astronomical observations very indefinite.<sup>1</sup>

The board of admiralty sometimes call on the astronomer royal for a report, but it is rather upon such matters as the state of the buildings and instruments, the conduct of the assistants, etc., than upon the nature of the astronomical observations.

I have myself introduced the rule of reading a report to the board of visitors at their annual meeting at the observatory, applying as well to the astronomical labors as to the general occurrences at the observatory; and this report they have each year ordered to be printed. (Copies accompany this paper.) If this custom be continued there will probably be found a more complete series of annuals of the observatory than has hitherto existed.

6. Besides the astronomer royal there are six assistants and a laborer, and a watchman; also a gate porter (some old sailor from Greenwich hospital). The duties of the assistants are to observe and compute, entirely under the direction of the astronomer royal. None of these persons reside within the precincts of the observatory or even within the park. They find houses for themselves, from the salaries mentioned below (part of the salary being considered as compensation for want of dwelling house).

The salaries are: First assistant, £350; second assistant, £220 (in future instances this is to be £190); third assistant, £190; fourth, fifth, and sixth assistants, £130 each; laborer, £43; gate porter, £15 12s.; watchman, £32 10s.

7. The instruments in use at this time are: A transit instrument 10 feet long, constructed by Troughton, bought by the Government; price, I think, £300.

Mural circle, 6 feet diameter, constructed by Troughton, bought by the Government; price, I believe, £600.<sup>2</sup>

Zenith tube, or zenith sector, of small range, for the observation of Draconis only, which passes very near to the zenith of Greenwich; purchased by the Government. I know not the price.

The eastern equatorial, or Shuckburg's equatorial, constructed by Ramsden; presented by Lord Liverpool.

The western equatorial; a very worthless instrument.

The southern equatorial, or Sheepshanks's equatorial. The object-glass made by a Parisian artist (I think by Cauchoix); presented by the Rev. R. Sheepshanks; the mounting by Mr. T. Grubb, of Dublin, at the expense of the Government; its cost, £205.

Several telescopes; prices unknown—some probably exceeding £100.

Several clocks; the most expensive cost, I believe, £200.

I ought not to omit that there is machinery for raising a large ball (5 feet in diameter), on the top of the house, and dropping it precisely at 1 o'clock every day as a signal by which the chronometers on board the ships in the River Thames may be rated. It was erected at the expense of the Government; I know not the cost.

Besides these, there is the magnetic apparatus, yet imperfect; the expense hitherto incurred has been £30 or £40.

8. There is a library, covering the walls of a room 20 feet square. It consists principally of the transactions of societies, of mathematical and astronomical works, works on the literature of astronomy, nautical astronomy, voyages, etc. In these respects it is a very good library. It has been collected partly at the expense of the Government, and partly from the presents of private persons and official bodies.

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<sup>1</sup> The board of visitors are empowered by their warrant, under the royal sign manual, to direct the astronomer royal to make such observations as they may think fit; but I am not aware that they have ever exercised this power.

<sup>2</sup> Another mural circle of the same size, constructed by Jones, has lately been sent from the royal observatory to the Cape of Good Hope.

9. The best instrument makers in London at the present time are William Simms (successor of Troughton, formerly his partner), 136 Fleet street; Thomas Jones, 62 Charing Cross; George Dolland, 59 St. Paul's churchyard. Dolland is principally known for his telescopes and optical instruments; he has had little experience in the construction of large graduated instruments. I know no maker who can be considered as successor to Troughton in originality and boldness of ideas.

The whole annual expense of the observatory to the Government, including salaries, additions and repairs to buildings, additions and repairs to instruments, and printing, exceeds £3,000.

MISCELLANEOUS INFORMATION RELATING TO OTHER OBSERVATORIES.

1. The observatory at Cambridge was built partly by private subscription, partly by grant from the funds of the university, in 1820, at an expense of about £20,000. It is maintained at the expense of the university.

That at Oxford, I believe, was built from the funds bequeathed for that purpose by Dr. Radcliffe.

Those at Edinburgh and Glasgow were commenced by private subscription and afterwards assisted by the Government.

That at Armagh was built from funds bequeathed.

That at Dublin in like manner.

I know not how those at Oxford, Armagh, and Dublin are maintained, but I believe that the salaries of the observers, as well as the general support and repairs of the buildings and instruments, are defrayed from the bequests.

2. In the whole of these (Glasgow excepted, which is not much advanced) there is a dwelling house for the astronomer, and in some there are dwellings for assistants, connected in all cases by building under the same roof, or by inclosed passages, with the observatory.

The inclosure of land about the Cambridge observatory is 7 acres.

That at Oxford, a field perhaps not so large.

That at Dublin, about 30 acres.

The new Russian observatory at Pulkowa, about 50 acres.

3. I do not think that either of the observatories which I have mentioned has undergone great alteration. The Cambridge observatory, built in 1820, has not itself undergone any alteration, but on occasions of the presentation of a large telescope (20 feet long and 12 inches in aperture) a new detached building was erected for it. I may remark that the Cambridge observatory was built on a plan architecturally symmetrical, which arrangement I should deprecate in any new observatory on account of the difficulties which it presents to all future alterations.

4. The astronomer at Cambridge is the Plumian professor. This officer is elected by the trustees of the estate bequeathed by a Dr. Plume, and is paid by the rent of the estate, amounting to about £300 per annum. When I was elected to that office in 1827, I represented to the senate of the Cambridge University that this sum was not sufficient remuneration for the duties of the observatory, and the senate increased the payment to £500 by annual grant from the funds of the university.

The astronomers at Oxford and Dublin are appointed by the trustees of certain estates, and are paid from their rents. I believe that the astronomer at Armagh is elected and paid in the same manner.

For the appointment of the astronomer at Edinburgh the consent of the Government is necessary. I know not how he is paid.

5. I do not think that in any of these instances there is any distinct set of instructions or definition of duties. At Cambridge there is a board of visitors which meets at least three times in each year at the observatory, one of these meetings being attended also by other members of the university and strangers. I introduced at Cambridge the custom of reading a report to the visitors at each regular meeting.

The visitors are required to make a report once a year to the senate of the university.

In instituting a new observatory it appears to me very desirable that there should be appointed a body like the board of visitors at Greenwich and at Cambridge, with power to require reports from the astronomer and perhaps to direct him in some degree, and with the duty of reporting to the governing body.

The visitors of the Cambridge Observatory are all members of the senate of the university. The visitors of the Greenwich Observatory are persons living in different parts of England.

6. At Cambridge Observatory there are two assistants and a laborer.

At the Cape of Good Hope the same.

At Edinburgh, Dublin, and Armagh, I believe, one assistant each.

Their duties are to observe and to calculate, under the direction of the astronomer.

The salaries of the Cambridge assistants are, I think, £80 each per annum, with apartments.

7. The instruments at Cambridge Observatory are:

A mural circle, 8 feet in diameter, made by Troughton; price, £1,050.

A transit instrument, 10 feet long, made by Dolland; price, I believe, £600.

An equatorial 5-foot telescope, made by Jones; price, about £750 (many complaints of this price).

Several small instruments, telescopes, etc.

Three clocks; one cost £100 to £120.

A 20-foot telescope, presented by the Duke of Northumberland.

At Oxford there are some quadrants, not used; and also a circle, 4 feet diameter, made by Jones; and an old transit.

At Edinburgh: A mural circle, 4 feet in diameter, made by Simms; and a transit, made by Repsold, of Hamburg.

At Armagh: A mural circle, 4 feet in diameter, made by Jones; and a transit (maker not known).

At Dublin: An altitude and azimuth instrument; the vertical circle, 8 feet in diameter, made by Ramsden; and a transit.

I may remark that, in the construction of instruments, expense may frequently be avoided by leaving some points to the discretion of the instrument maker. As an instance: When I superintended the equatorial mounting of the 20-foot telescope at Cambridge I found occasion for a 5-foot circle, and I directed it to be cast in one piece of bell metal. It appears to answer perfectly well. Mr. Simms is quite satisfied with it, and thinks it possible that it might be made, at still less expense, of cast iron. Since that time Mr. Simms has had, I believe, two orders for large circles; and when I have urged him to have each cast in one piece he has expressed his wish to do so; but has informed me that his orders were to make them "like the Greenwich circles," and has therefore considered himself compelled to put them together in many pieces, in the same way as the Greenwich circles, at much greater expense than would have been implied in the construction mentioned above.

G. B. AIRY.

JUNE 8, 1839.

Since writing the answers above, I have received from Mr. Simms the following list of prices:

The mural circles for Greenwich, Cracow, Brussels, Edinburgh, and Lucknow, are all of the same dimensions (6 feet in diameter), and were all made by Troughton. The price in each case was £735. Mr. Simms states at this price there was no profit (Troughton was wholly regardless of profit in constructing these instruments), and that he would not like to undertake one for less than £900.

The mural circle for Cambridge, 8 feet in diameter, was made by Troughton for £1,050.

Troughton was paid for the Greenwich transit £315, which sum did not include the object glass. Mr. Simms states that the cost now would be 450 guineas for the instrument complete. Its length is 10 feet.

Troughton received for the Brussels equatorial 450 guineas; but this was too little; it ought to have been £600. (I think that the length of the telescope is 5 feet; the diameter of the declination circle, 3 feet; and that of the hour circle, 2 feet, or 2½ feet.)

A very good clock for Lucknow cost £80. An inferior clock £28.

G. B. AIRY.

JUNE 11, 1839.

Mr. ADAMS then reproduced the messages of the President and the correspondence between Mr. Rush, the agent of the United States, and Mr. Forsyth, Secretary of State, concerning the action taken to secure the bequest, all of which appears in its proper place.

A motion was made by Mr. JAMES MONROE that 5,000 extra copies of the report above, made by Mr. Adams, and of the reports of committees heretofore made, with the other papers in relation to the subject, be printed for the use of the members.

*March 19, 1840—House.*

A letter from the Secretary of the Treasury, transmitting statements of moneys invested in the stocks of the several States, was read and laid upon the table:

TREASURY DEPARTMENT, *March 17, 1840.*

SIR: This report is submitted in obedience to a resolution of the House of Representatives of the 9th instant, directing the Secretary of the Treasury to furnish "a statement of all the public moneys of the United States invested in the stocks of the several States, specifying the amount invested in the stocks of each State; the authority by which each investment was made; the terms and rate of interest of each contract; the security received for the payment of interest and principal of each debt; the rate per centum given in the purchase of the bonds; and the market value of the bonds at the times of the respective investments, and at the present time." I have the honor to state that this Department is not aware that any "of the public moneys of the United States," held in their own right, are "invested in the stocks of the several States." But some of the moneys held in trust by the United States have been invested in such stocks, either by agreement with those possessing the legal title, such as treaty stipulations with Indian tribes; or by authority of acts of Congress, such as that of the 7th of July, 1838, concerning the moneys received on account of the Smithsonian bequest.

\* \* \* \* \*

There are no means here for ascertaining the market value of the State stocks at any particular time with accuracy. Sales of such stocks are rarely entered in the reports of stock operations at the boards of the brokers in the principal cities; and extensive and tedious correspondence would alone enable me to give a near approximation to their worth at the periods of these numerous purchases. On examination of the files of a New York price current, from 1836 to the present date (being the only paper quoting the price of stocks preserved in this Department), not one-fourth of the State stocks held here could be found, and not a single quotation at the time the bonds were purchased. But all of the stocks purchased here were obtained at the lowest price they could be had at the time, it having been an invariable rule when funds were received which the Department was authorized to invest, to address

letters to such persons in the principal cities as were supposed to have stocks for sale, notifying them of the fact and allowing time to receive their offers, after which a contract was made for such as were offered on terms found to be most advantageous for the trust, having regard, in determining that fact, to the interest the stock yielded and the length of time before its maturity. The price given, the par value, the rate of interest, and the authority for each purchase will appear in the tables annexed.

In respect to the security for the payment of the interest and principal of the stocks, none other was asked beyond the guaranty of the respective States in the acts authorizing the issue of the stocks.

I am, respectfully, your obedient servant,

LEVI WOODBURY,  
*Secretary of the Treasury.*

Hon. R. M. T. HUNTER,  
*Speaker of the House of Representatives.*

*Statement of the moneys invested in State stocks held in trust by the Treasury Department, showing the time of the respective investments, amount invested in the stocks of each State, rate of interest on bonds in each contract, rate at which stock was purchased, and authority by which each investment was made, etc.*

Time of the respective investments.	Amount invested in the stocks of each State.	Rate of interest on bonds in each contract.	Rate per cent at which bonds were purchased.
* * *	* * * *	* * *	* * *
1838, September.....	\$500,000. 00 Arkansas bonds .....	6	99 $\frac{1}{2}$
November.....	8,000. 00 Michigan bonds .....	6	100
December .....	10,000. 00 Arkansas bonds .....	6	100
1839, July .....	13,000. 00 Arkansas bonds .....	6	98 $\frac{1}{2}$
1840, February .....	26,000. 00 Illinois bonds.....	6	73

*Authority by which the investments were made.*—Act of July 7, 1838, authorizing the investment of the Smithsonian bequest.

*Security received for the payment of interest and principal of each debt.*—Guaranty of the State.

*Market price at the time of purchase.*—No means of ascertaining accurately.

*Market price at the present time.*—No means of ascertaining accurately.

TREASURY DEPARTMENT, *March 16, 1840.*

*March 23, 1840—House.*

Mr. JAMES MONROE, of New York, moved resolution, which was read and laid on the table one day:

*Resolved,* That 5,000 additional copies of the report on the Smithsonian bequest be published for the use of the members of this House.

Mr. GEORGE W. TOLAND moved that 4,000 extra copies of the report of the select committee on the Smithsonian bequest be printed for the use of the members.

*February 10, 1841—Senate.*

Mr. LINN presented bill (S. 245) to appoint trustees for the investment of the Smithsonian fund:

*Be it enacted, etc.,* That the Secretaries of the State, the Treasury, the War, and the Navy Departments, the Attorney-General, and the Postmaster-General, be, and they

are hereby, constituted trustees of the Smithsonian fund, with power to invest the same in safe public funds, and to change said investment when, in their judgment, it may be desirable: *Provided, however,* That said trustees shall, under no circumstances, diminish or expend the principal of said fund; but that all expenses of investments of said fund, or for other purposes, as provided by law, shall be paid out of the interest which has accrued, or which may accrue, from said fund.

SEC. 2. *And be it further enacted,* That said trustees shall have power to appoint a treasurer and secretary to the board of trustees, who shall give bond in the penal sum of ——— dollars for the faithful performance of his duties, and shall be removable from office at the pleasure of the board of trustees, and shall be entitled to receive a compensation for his services not exceeding ——— dollars per annum. The said treasurer and secretary shall perform his duties under the direction of the board of trustees, and shall render his accounts quarterly to the Treasury Department. The proceedings of said board shall be reported annually to Congress; and their transactions, books, and papers, shall be open to such investigations, and the board shall answer such inquiries, in relation to their official action, as Congress, or a resolution of either House, shall from time to time direct.

SEC. 3. *And be it further enacted,* That the Smithsonian Institution shall consist of one superintendent, who shall receive a compensation of ——— dollars per annum, and six professors, each of whom shall receive a compensation of ——— dollars per annum. The foregoing named officers to be appointed in the following manner: The National Institution for the promotion of science, established in the city of Washington, shall nominate said officers to the President, to be, if approved by him, submitted to the Senate for its advice and consent. The said superintendent and professors shall hold their offices during the term of four years, and perform such duties as shall be designated by the said National Institution. The said institution shall also prescribe the duties of such officers, as it may find necessary to appoint, for the preservation of the buildings, grounds, and other property belonging to the institution: *Provided, however,* That no greater number of such officers shall be appointed than shall be approved by the President of the United States, and at no higher compensations, than he shall approve: *And provided also,* That all contingent expenses necessary in the execution of the duties of said officers, shall be approved by the Secretary of State, and the President of the aforesaid National Institution.

SEC. 4. *And be it further enacted,* That the land owned by the United States, in the city of Washington, situated ——— ———, and known by the name of the Mall, be, and the same is hereby, appropriated for the uses of the Smithsonian Institution. The buildings for said institution shall be erected thereon, and in which shall be preserved the philosophical instruments, apparatus, and collections necessary to promote the objects of the institution. And all collections of works of art and of natural history, owned by the United States, not otherwise assigned, shall be deposited in said buildings; and for the transportation and arrangement of the same, the sum of \$5,000 is hereby appropriated out of the Treasury of the United States, to be expended under the direction of the president and directors of the National Institution: *Provided, however,* That the grounds herein assigned to the institution shall be kept open to the public, free from all charge, but under such regulations as the preservation of the property shall require: *And provided also,* That the plan of the buildings herein authorized shall be prepared by the National Institution, and shall be submitted to the President of the United States, and upon receiving his approbation, shall be erected under the superintendence of the National Institution; the said buildings, collections, and grounds, shall be under the general supervision of the National Institution.

Referred to Committee on Library.

*February 17, 1841—Senate.*

Mr. W. C. PRESTON, from the Committee on the Library, to whom was referred the bill (S. 245) to appoint trustees for the investment of the Smithsonian fund, reported it without amendment, and also the following bills as substitutes therefor:

S. 258. Bill to incorporate within the District of Columbia the National Institution for the promotion of science.

S. 259. Bill to invest the proceeds of the Smithsonian fund, and to establish the Smithsonian Institution; which were severally read and passed to the second reading.

[S. 258.]

A bill to incorporate, within the District of Columbia, the National Institution for the Promotion of Science.

*Be it enacted, etc., That Joel R. Poinsett, James K. Paulding, John Quincy Adams, John J. Abert, Joseph G. Totten, A. O. Dayton, Francis Marcoe, Levi Woodbury, William Cranch, Henry D. Gilpin, William J. Stone, and others, composing the association in the District of Columbia denominated the National Institution for the Promotion of Science, and their successors duly elected in the manner hereinafter mentioned, be, and they are hereby, constituted and declared to be a body politic and corporate, by the name and title of the National Institution for the Promotion of Science, in the District of Columbia, with all rights and privileges of corporate bodies, not repugnant to the Constitution of the United States, or the laws of the District of Columbia, and in conformity with the following rules and regulations:*

Article first. This society shall be named "The National Institution for the Promotion of Science."

Article second. It shall hold its meetings at the city of Washington.

Article third. It shall be composed of resident, corresponding, and honorary members.

Article fourth. The resident members shall be persons residing in the District of Columbia; corresponding members shall be persons residing out of the District of Columbia who wish to aid the institution by their contributions or communications, and the class of honorary members shall be composed of eminent men residing out of the District of Columbia.

Article fifth. Resident members removing from the District of Columbia shall, on request, be transferred to the list of corresponding members, and vice versa; but any corresponding member may, at his option, be recorded and considered a resident member.

Article sixth. The officers of the institution shall consist of a president, vice-president, twelve directors, a treasurer, and a corresponding and a recording secretary; *Provided*, That no member shall hold more than one of the offices created by this article at the same time, but that an acceptance of one shall be construed as refusal of all others.

Article seventh. The officers shall constitute a board of management of the fiscal concerns of the institution; and any five members of the board shall be a quorum for the transaction of ordinary business.

Article eighth. The secretaries of the departments of State, Treasury, War, and Navy, and the Attorney-General and Postmaster-General of the United States, for the time being, shall, with their consent, be directors of the institution; but, upon the refusal of one or more of them to accede to the request of the institution, such director or directors shall be chosen in the same manner as herein provided for the appointment of other officers. The officers shall be elected for the term of one year, or until

their successors shall be appointed, from among the resident members of the institution. This election shall take place at the annual meeting; and each member who is duly qualified, and shall be present at such meeting, shall have a vote in said election.

Article ninth. The annual meeting shall be held on the first Monday in each year, or as soon thereafter as may be convenient; the stated meetings on the second Monday in each month, and special meetings whenever five resident members shall concur in a request to that effect.

Article tenth. The president, vice-president, or, in their absence, one of the directors, in order of seniority, as named in article eighth, shall preside at all meetings of the institution; or if neither of these members be present, the meeting shall elect its own chairman.

Article eleventh. The election of members shall be by ballot; the candidate being nominated to the corresponding secretary, in writing, at least one week before the meeting when he is so balloted for, and proposed by any three directors of the society.

Article twelfth. Resident members shall, on admission, subscribe the constitution of the institution and pay to the treasurer five dollars each, and annually thereafter, on the first Monday in January, five dollars each, to aid in defraying necessary expenses, and for such other purposes as the board of management may direct.

Article thirteenth. No resident member shall vote at any stated or other meeting of the institution, on any question whatever, who has not paid his subscription and annual dues, or who shall not have attended a meeting of the institution within one year previous to such meeting.

Article fourteenth. The resident and corresponding members shall exert themselves to procure specimens of natural history, and so forth; and the said specimens shall be placed in the cabinet, under the superintendence of a board of curators, to be appointed by the directors. All such specimens, and so forth, unless deposited specially, shall remain in the cabinet; and, in case of the dissolution of the institution, shall become the property of the United States.

Article fifteenth. The resident members of the institution shall be divided into such departments as may hereafter be determined upon. The members composing each department shall especially be charged with the subjects embraced therein, and communicate to the institution the result of their inquiries; but every member shall have the privilege of making such communications as he may think proper on any subject connected with the designs of the institution.

Article sixteenth. The various collections of the institution shall be placed in the apartments which may be designated for that purpose by a majority of the directors.

Article seventeenth. This constitution, with the exceptions of articles six, eight, ten, fourteen, and sixteen, or so much thereof as relates to the office of directors, their duties, privileges, or powers, or the purposes or place of keeping of the collections of the institution, shall be subject to alterations and additions at any meeting of the institution: *Provided*, Notice of a motion for such alteration or addition shall have been given and recorded at a preceding regular meeting: *And provided, further*, That no alterations or amendments shall ever be made in the above referred to articles without the consent of a majority of the directors.

Article eighteenth. A code of by-laws for the regulation of the business of the board of management, and the annual and other meetings of the institution, and for matters relating to nonattendance, privileges, duties of officers, and so forth, shall be prepared by a committee to be appointed for that purpose.

Article nineteenth. All persons present at the adoption of this constitution shall, if desirous of becoming members of the institution, sign the same as evidence of such desire, and in proof of such membership; and all members subsequently admitted shall sign the same at the first meeting of the society which they may attend after such admission.

Article twentieth. The institution shall have power to appoint curators and others for the preservation and arrangement of the collections.

[S. 259.]

A bill to invest the proceeds of the Smithsonian fund, and to establish the Smithsonian Institution.

*Be it enacted, etc.,* That the Smithsonian Institution shall consist of one superintendent, with a compensation of ——— dollars per annum, and not exceeding six professors, with compensation to each of ——— dollars per annum, with such number of curators and assistants as may be found necessary: *Provided,* The number of, and the compensation to, the curators and assistants shall be approved by the President of the United States; all these officers to be elected by the board of management of the National Institution for the Promotion of Science, established at Washington, and according to the form and manner prescribed for the electing of officers of that institution; but the election of professors shall not be made until the buildings are prepared for them to enter upon their duties.

SEC. 2. *And be it further enacted,* That the officers of the National Institution for the Promotion of Science, together with the superintendent of the Smithsonian Institution, shall constitute a board of management of the interest of the Smithsonian fund; and shall have power to plan and erect the necessary buildings, to lay out the grounds, to preserve and repair the same, to procure the necessary books and philosophical instruments, to arrange the collections, to prescribe the duties of the professors and others belonging to the said Smithsonian Institution, and to establish regulations for the preservation of the property, and for a proper exhibition of the same: *Provided, however,* That no regulation shall exact a fee from any visitor: *And provided,* That nothing in this act shall be so construed as to prevent any member of the National Institution for the Promotion of Science from being an officer of the Smithsonian Institution.

SEC. 3. *And be it further enacted,* That the said board of management shall have power to appoint a treasurer and secretary, who shall be entitled to a compensation of ——— dollars per annum, who shall give bond, in the penal sum of ——— dollars, for the faithful performance of his duties, which duties shall be prescribed by said board; but he shall render the accounts of his expenditures quarterly to the accounting officers of the Treasury Department; and the said board shall report its proceedings in detail annually to Congress, or oftener, if required.

SEC. 4. *And be it further enacted,* That all works of art, and all books relating thereto, and all collections and curiosities belonging to the United States, in the possession of any of the executive departments, and not necessarily connected with the duties thereof, shall be transferred to said institution, to be there preserved and arranged.

SEC. 5. *And be it further enacted,* That the interest which has accrued on the Smithsonian fund be, and the same is hereby, appropriated, for the purpose of carrying into effect the provisions of this act; and that the ground owned by the United States, and designated in the plan of the city of Washington as the Mall, be, and the same is hereby, appropriated for the buildings and use of the Smithsonian Institution and the National Institution; and the same shall be under the superintendence of the board of management of the National Institution.

#### CARE OF GOVERNMENT COLLECTIONS.

July 20, 1840.

An act appropriating for the support of the Army for 1840.

For the purpose of enabling the Secretaries of the War and Navy Departments to place in a state of safe preservation the specimens of

natural history which are now deposited in their respective offices, or which may be brought there resulting from surveys of the unexplored portions of our own country, or from the exploring expedition now in the South Seas, by the authority and at the expense of the United States, or otherwise, a sum not to exceed \$500.

(Stat. V, 406.)

*March 3, 1841.*

An act making appropriations for the Naval Service for the year 1841.

For defraying the expense of transporting to the city of Washington and arranging and preserving the collections made by the exploring expedition, \$5,000.

(Stat. V, 420.)

#### INTERNATIONAL EXCHANGES

*July 20, 1840.*

*Be it resolved, etc.,* That the librarian, under the supervision of the Committee on the Library, be authorized to exchange such duplicates as may be in the library for other books or works.

Second. That he be authorized, in the same way, to exchange documents.

Third. That hereafter fifty additional copies of the documents, printed by order of either House, be printed and bound for the purpose of exchange in foreign countries.

(Stat. V, 409.)

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### TWENTY-SEVENTH CONGRESS, 1841-1843.

#### BEQUEST OF JAMES SMITHSON.

*September 2, 1841—House.*

Mr. MILLARD FILLMORE, from the Committee of Ways and Means, to whom resolutions of instruction had heretofore been referred, reported a bill (H. 34) to repeal the sixth section of the act entitled "An act to provide for the support of the Military Academy of the United States for the year 1838, and for other purposes," passed July, 1838, and to prohibit any investment of the funds of the United States in stocks of the several States.

The section proposed to be repealed is as follows:

SEC. 6. *And be it further enacted,* That all the money arising from the bequest of the late James Smithson, of London, for the purpose of founding at Washington, in this District, an institution to be denominated the Smithsonian Institution, which may be paid into the Treasury, is hereby appropriated, and shall be invested by the Secretary of the Treasury, with the approbation of the President of the United

States, in stocks of States, bearing interest at the rate of not less than 5 per centum per annum, which said stocks shall be held by the said Secretary in trust for the uses specified in the last will and testament of said Smithson, until provision is made by law for carrying the purpose of said bequest into effect; and that the annual interest accruing on the stock aforesaid shall be in like manner invested for the benefit of said institution.

Mr. FILLMORE asked that as the bill contained no appropriation, and needed not therefore to be committed, it be put on its third reading then.

Passed.

*September 3, 1841—Senate.*

The bill from the House of September 2, 1841, to repeal the sixth section of the act entitled "An act to provide for the support of the Military Academy of the United States for the year 1838," etc., was read twice; and, on the question of reference coming up,

Mr. A. H. SEVIER said this bill was one of a most extraordinary character. It was to repeal existing contracts, and to violate treaty stipulations with the Indians without their consent. He moved to lay the bill on the table.

Mr. W. C. PRESTON appealed to the Senator to withdraw his motion. He was disposed to entertain a similar opinion of the bill, but thought it more respectful to the House to refer it to a committee. He would therefore move to refer it to the Committee on Finance.

Mr. SEVIER said, if it was to be referred at all, it ought to be referred to the Committee on Indian Affairs.

Mr. R. J. WALKER concurred in this view.

Mr. LEVI WOODBURY made some remarks to the effect that the bill could be only prospective in its character, and would have no effect on existing contracts.

Mr. J. C. CALHOUN said this bill involved questions of an important character, which it was very evident would require more time for their consideration than could be devoted to them at the present session. He would therefore move to lay the bill on the table.

The motion was negatived.

Mr. SEVIER then moved its reference to the Committee on Indian Affairs. Lost.

The motion of Mr. PRESTON was then agreed to, and the bill referred to the Committee on Finance.

*September 4, 1841.*

Act of Congress to appropriate proceeds of the sales of public lands and to grant preemption rights to States, enabling them to pay interest and principal of the State bonds held by the Government.

Included Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, Louisiana, Arkansas and Michigan.

(Stat. V, 453.)

*September 8, 1841—Senate.*

Mr. GEORGE EVANS, from the Committee on Finance, reported, with an amendment, the bill from the House to repeal the sixth section of the act for the support of the Military Academy at West Point for 1838, and to prohibit the investment of trust funds of the United States in the stocks of the several States.

The Senate proceeded to consider the same, and the bill was amended, so as to strike out all after the enacting clause, and insert:

That so much of the sixth section of the act to provide for the support of the Military Academy of the United States for 1838 as requires the Secretary of the Treasury to invest the annual interest accruing on the investment of the money arising from the bequest of the late James Smithson, of London, in the stocks of the States, be, and the same is hereby, repealed; and the Secretary of the Treasury shall invest said accruing interest in any stock of the United States, bearing a rate of interest not less than 5 per cent per annum.

Mr. A. H. SEVIER made some observations in relation to the amendment not distinctly heard in the gallery.

Mr. EVANS remarked that the repeal affected that portion only of the bill of 1838 which related to the investment of the funds of the institution, and accruing interest in State stocks; the investment to be changed to United States stock.

Mr. J. C. CALHOUN requested the bill and amendments would be read.

The bill was then read.

Mr. CALHOUN wished to know what was to be done with the funds when there was no United States stock to be had. If all authority to invest them and the accruing interest in other stocks was repealed, and there should be no United States stock in the market, or in existence, what was to be done with the money?

Mr. EVANS replied that all that had been taken into consideration in committee, and it was the unanimous impression that there would be a sufficient supply of United States stock in existence for the next three years at least, and that no difficulty could arise in that way. If, however, any difficulty of that nature should arise, provision could be made by Congress in time to meet it.

Mr. ARCHIBALD L. LINN considered the whole thing as a direct attack upon the credit of the States. Here was an act of Congress implying on the very face of it a discredit of State stocks. Was not this calculated to depress State stocks, both in the home and foreign markets?

Mr. EVANS observed that it was the standing of the State stocks in those markets which had called for the amendment of the act of 1838.

Mr. LINN called the attention of the Senate to this fact; that the Democratic party, during the last political struggle of the party now administering the Government to get into power, had been slandered,

vilified, and abused with the most unfounded charges of designs to discredit the States of this Union. The Democratic party had been denounced from one end of the Union to the other for having prostrated the whole credit system. They were pronounced traitors to their country, and a continued stream of vituperation was poured out upon them from June, 1839, to the close of the Presidential election, with a view of enlisting the prejudices of every one connected with State stocks against the continuation of the Democracy in power. Yet, what spectacle do we now see presented to the country? What but that to be expected from the Whig party, which had so notoriously proved to the world that their professions out of power were one thing and their performances in power quite another and a different thing? Now that they have the first opportunity, they offer the most outrageous, treacherous, and fatal stab to the State stock credit system that ever was attempted by any representatives of the people or the States. But he was glad the gentleman had shown the true character of their professions contrasted with their performances.

Mr. LEVI WOODBURY considered there were other things which ought to be taken in view. Besides the fatal stab thus offered to the credit of State stocks, the institution itself might be deprived of the advantage of investing its funds in stock no less secure than United States stock, though for temporary causes depreciated, but sometimes yielding an opportunity of purchase at 60 or 65, when United States stock might be at more than 100.

Mr. CLAY said the relation between the Government and the States, of the latter being debtors to the former, ought always to be avoided; for what means could be used to coerce the States if they refused to pay? We had stocks of our own in which this trust fund of the Government could be invested. He should prefer the adoption of this principle, that in all cases of trust funds an account should be opened with the Government of the United States, and that the fund should be held in the Treasury, and it pay an annual interest on it until its object was accomplished. He regarded this Smithsonian fund as a sacred trust which the Government would be bound to restore if it should ever be lost; and that being the case—the Government being responsible for them—it would be better that they should remain in the Treasury, under our charge.

Mr. BENJAMIN TAPPAN was understood to concur in this opinion, and after some further remarks by Mr. WOODBURY, Mr. CALHOUN, and Mr. SEVIER the amendment was engrossed, the bill read a third time, and passed.

On motion of Mr. EVANS, its title was amended so as to be, in effect, “an act to repeal a part of the sixth section of the act for the support of the Military Academy of the United States for 1838, and for other purposes.”

September 9, 1841.

*Report of T. Ewing, Secretary of Treasury.*

*State stocks held by the Treasury Department, in trust for the Smithsonian Institution.*

Of what States.	Amount of stock.	Cost.
Arkansas .....	\$500,000.00	\$499,500.00
Do.....	10,000.00	10,000.00
Do.....	13,000.00	12,837.50
Do.....	15,000.00	10,555.00
Illinois .....	26,000.00	18,980.00
Do.....	6,000.00	4,223.00
Do.....	24,000.00	19,200.00
Michigan.....	8,000.00	8,270.67
Ohio.....	18,000.00	16,980.00
Total .....	620,000.00	600,980.17

September 9, 1841—House.

On motion of Mr. J. Q. ADAMS, the House took up the bill providing for the repeal of so much of the sixth section of the Military Academy act of 1838, as provides for the investment of the Smithsonian funds in State stocks; and the Senate amendments thereto were amended in several respects, and the bill was returned to the Senate.

September 10, 1841—House.

The House considered the message from the Senate in relation to the amendments of the House to the amendment of the Senate to the bill H. 34, when it was

*Resolved*, That this House concur in the amendment of the Senate to the first amendment of this House to the amendment of the Senate to said bill, and recede from their second amendment to the amendment of the Senate to said bill, and that the bill do pass accordingly.

September 11, 1841.

*Be it enacted, etc.*, That so much of the sixth section of an act entitled “An act to provide for the support of the Military Academy of the United States for the year 1838, and for other purposes,” as requires the Secretary of the Treasury to invest the annual interest accruing on the investment of the money arising from the bequest of the late James Smithson, of London, in the stocks of States, be, and the same is hereby, repealed. And the Secretary of the Treasury shall, until Congress shall appropriate said accruing interest to the purposes prescribed by the testator for the increase and diffusion of knowledge among men, invest said accruing interest in any stock of the United States, bearing a rate of interest not less than five per centum per annum.

SEC. 2. *And be it further enacted*, That all other funds held in trust by the United States, and the annual interest accruing thereon, when

not otherwise required by treaty, shall in like manner be invested in stocks of the United States, bearing a like rate of interest.

SEC. 3. *And be it further enacted*, That the three clerks, authorized by the act of June 23, 1836, "to regulate the deposits of the public money," be, and hereby are, directed to be retained and employed in the Treasury Department, as provided in said act, until the state of the public business becomes such that their services can conveniently be dispensed with.

(Stat., V, 465.)

*December 7, 1841—Senate.*

*Message of the President, John Tyler.*

\* \* \* I suggest for your consideration the propriety of making, without further delay, some specific application of the funds derived under the will of Mr. Smithson, of England, for the diffusion of knowledge, and which have heretofore been vested in public stocks, until such time as Congress should think proper to give them a specific direction. Nor will you, I feel confident, permit any abatement of the principal of the legacy to be made, should it turn out that the stocks in which the investments have been made had undergone a depreciation. \* \* \*

*December 10, 1841—House.*

Mr. MILLARD FILLMORE offered a resolution for the appointment of a select committee on the Smithsonian legacy.

Adopted; and Mr. John Quincy Adams of Massachusetts, Mr. Richard W. Habersham of Georgia, Mr. Truman Smith of Connecticut, Mr. Joseph R. Underwood of Kentucky, Mr. Benjamin Randall of Maine, Mr. Charles J. Ingersoll of Pennsylvania, Mr. Robert M. T. Hunter of Virginia, Mr. George S. Houston of Alabama, and Mr. Samuel S. Bowne of New York were appointed said committee.

*December 15, 1841—House.*

Mr. WILLIAM COST JOHNSON presented the memorial of sundry citizens of Washington City, praying an early disposition of the funds of the Smithsonian bequest, in conformity with the wishes of the donor.

Referred to the select committee on the Smithsonian bequest.

*December 29, 1841—Senate.*

On motion by Mr. W. C. PRESTON, it was ordered that the President's message, relative to the Smithson bequest, be referred to the Committee on the Library—Mr. W. C. Preston, Mr. Benjamin Tappan, Mr. Rufus Choate.

*January 3, 1842—House.*

*Resolved*, That so much of the message of the President of the United States as relates to the Smithsonian legacy be referred to the select committee on that subject.

H. Doc. 732—15

*March 29, 1842—House.*

Mr. CHARLES J. INGERSOLL presented a memorial of Richard Rush, praying additional compensation for his services in recovering the Smithsonian legacy.

Referred to the committee on the bequest.

Mr. J. Q. ADAMS presented a petition of B. Birdsall, of the State of New York.

The following is the petition:

Your petitioner prays that a part of the funds of the "Smithsonian bequest" may be appropriated for the purpose of establishing and awarding a system of annual prizes for the best original essays on the various subjects of the physical sciences, useful arts, and abstract mathematics, etc., and for such new discoveries in art or science as shall do honor to the nation; the subjects of the prizes to be given or proposed by a competent committee.

Your petitioner entertains the opinion that some such system as the one prayed for would exert a most powerful influence in favor of science in this country, and would operate as an excellent stimulant to those who are disposed to honor their country in cultivating and promoting those branches of useful science which serve to work out the distinction between the savage and civilized state.

For this your petitioner most respectfully prays.

B. BIRDSALL.

CLINTON, *February 9, 1842.*

Referred to the committee on the bequest.

*April 11, 1842—Senate.*

Mr. W. C. PRESTON, from the Committee on the Library, reported a bill (S. 224) to invest the proceeds of the Smithsonian fund, and to establish the Smithsonian Institution.

Read and passed to a second reading.

*April 12, 1842—House.*

Mr. J. Q. ADAMS, from the committee appointed December 10, 1841, made the following report, accompanied by a bill (H. 386), which was read the first and second time and committed to the Committee of the Whole House on the state of the Union:

The seventh year is already considerably advanced in its course since the then President of the United States, on the 17th of December, 1835, communicated, by message, to both Houses of Congress the fact of this bequest, with a copy of the will of James Smithson, in which it was contained; and with the remark that, the Executive having no authority to take any steps for accepting the trust, and obtaining the funds, the papers were communicated with a view to such measures as Congress might deem necessary.

This message, with its accompanying correspondence and vouchers, was referred in the Senate to their Committee on the Judiciary, and in the House of Representatives to a select committee of nine members, both of which committees reported in favor of the acceptance by Congress of the bequest, and of assuming, for the people of the United States, the solemn obligation of preserving inviolate the fund

bequeathed by the testator, and of applying the income derived therefrom faithfully to the purposes prescribed by him.

Accordingly, on the 1st of July, 1836, a bill which had previously been passed by both Houses of Congress received the sanction of the President, authorizing him to appoint an agent or agents to recover the funds bequeathed by the will of the testator, and then being in charge of the Court of Chancery of Great Britain, and to deposit the same in the Treasury of the United States; and the faith of the United States was, by the same act, expressly pledged for the faithful performance of the trust assumed by the acceptance of the bequest.

An agent was appointed by virtue of this act, who recovered, by a decree of the Court of Chancery, a sum which, on the 1st of September, 1838, was deposited in gold at the mint of the United States at Philadelphia, amounting to \$508,318.46.

By the sixth section of the act of Congress for the support of the Military Academy of the United States and for other purposes, approved on the 7th of July, 1838, it was provided that all the money arising from the bequest of the late James Smithson, of London, for the purpose of founding at Washington, in this District, an institution to be denominated the Smithsonian Institution, which might be paid into the Treasury, was appropriated, and should be invested by the Secretary of the Treasury, with the approbation of the President of the United States, in stocks of States, bearing interest at the rate of not less than 5 per centum per annum; which said stocks should be held by the said Secretary in trust for the uses specified in the last will and testament of said Smithson, until provision should be made by law for carrying the purpose of said bequest into effect; and that the annual interest accruing on the stock aforesaid shall be in like manner invested for the benefit of said institution.

Under the authority and the requisition of this act, immediately after the deposit at the mint of the United States at Philadelphia of the moneys recovered by the decree of the court of chancery in England, the Secretary of the Treasury invested in stocks of the State of Arkansas \$500,000, and \$8,000 in stocks of the State of Michigan, all at the interest of 6 per cent; since which time, by the same authority, \$3,800 of the stocks of the State of Arkansas, \$3,600 of the State of Illinois, \$18,000 of the State of Ohio, have been invested in like manner, until the 11th of September last, when the provision of the law which authorized and required the Secretary of the Treasury to invest the accruing interest on the principal fund in the stock of the States was repealed, and he was directed, until Congress shall appropriate said accruing interest to the purposes described by the testator, for the increase and diffusion of knowledge among men, to invest said accruing interest in any stock of the United States bearing a rate of interest not less than 5 per centum per annum. Under this authority the

Secretary of the Treasury did invest the sum of \$1,291.86, at the rate of 5½ per cent a year—a rate of interest more parsimonious for the benefit of the Treasury than liberal for the benefit of this generous and bountiful fund.

The 500 bonds, of \$1,000 each, of the State of Arkansas, issued to the Bank of the State of Arkansas, are not redeemable before the 26th of October, 1860; and the 38 bonds subsequently issued to the Real Estate Bank of the State of Arkansas not before the 1st of January, 1861.

The 8 bonds of the State of Michigan are not redeemable before the first Monday of July, 1858.

Twenty-three thousand dollars of the bonds of the State of Illinois are not redeemable before the end of 1860; and \$33,000 not before the 1st of January, 1870.

Eighteen thousand dollars of the bonds of the State of Ohio are not redeemable before the 1st of January, 1861.

The sum of \$1,291.86, due by the United States, is redeemable at their pleasure after the 31st of December, 1844.

In the bill herewith reported, it is proposed to settle three fundamental principles for the administration and management of the fund in all after time.

First. That the principal fund shall be preserved and maintained unimpaired, with an income secured upon it at the rate of 6 per cent a year, from which all appropriations for the purposes of the founder shall be made.

Second. That the portions of the income already accrued, and invested in stocks of the States of Arkansas, Michigan, Illinois, and Ohio, shall be constituted funds, from the annual interest of which an astronomical observator, with four assistants, and necessary laborers, shall be appointed and maintained, without expense to this nation, and with a considerable increase of the principal fund and of its annual income—a principle susceptible of extension to future application, which may continually increase at the discretion of Congress the means and capabilities of the institution to promote and accomplish the great purposes of the founder.

The establishment of this principle will have the further advantage of relieving the board of overseers from the necessity of using the bonds of the States of Arkansas, Michigan, Illinois, and Ohio, none of which are redeemable before the year 1858. The annual interest upon them, it can not be doubted, will be hereafter, as it has been hitherto, punctually paid; and, independent of the faith of the several States, respectively pledged to this punctuality, the 4th section of the act of 4th September, 1841, to appropriate the proceeds of the sales of the public lands and to grant preemption rights, has furnished to

those States the means of paying punctually, not only the annual interest, but at the stipulated time the principal itself, of their bonds without bearing upon the people of the States for the pressure of a single dollar.

The third principle proposed to be made by the bill fundamental, for the future management of this fund, is that no part of the sums appropriated from this fund shall be applied to any institution of education or religious establishment. The reasons for this exclusion have been set forth at large in the document hereto annexed, and which the committee present as a part of their report. They submit especially the argument contained in the report made to this House on the 5th of March, 1840, with confidence in the opinion that the appropriation of any portion of the fund to such institutions or establishments, however meritorious, could not fail to divert the fund from the real purposes of the testator.

Annexed hereto are copies of the bonds of the several States, taken under the requirements of the act of Congress of 7th July, 1838, and of the United States, taken by authority of the act of 11th September, 1841, with a tabular statement of the present condition of the funds.

Appendix to report of Mr. Adams:

UNITED STATES OF AMERICA, STATE OF ILLINOIS.

\$1,000.]	Interest six per cent.	[\$1,000.
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CERTIFICATE OF ILLINOIS.

No. 299.]	<i>Internal improvement stock.</i>	[No. 299.
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Know all men by these presents, that there is due from the State of Illinois to Thomas Mather, or bearer, one thousand dollars, with interest, at the rate of six per cent per annum payable half yearly, on the first Mondays of January and July, at the banking house of the Bank of the United States in New York, on presentation and surrender of the annexed warrants. The principal is reimbursable at the said banking house, at the pleasure of the State, after the first day of January, 1870.

For the performance of all which the faith of the State of Illinois is irrevocably pledged, agreeably to "An act to establish and maintain a general system of internal improvements," approved February 27, 1837, and amendments thereto approved March 2, 1839, and February 1 and 3, 1840.

Witness my hand, at Springfield, this 1st day of May, 1840.

RICH'D F. BARRET,  
*Fund Commissioner.*

20 bonds of this description—6 numbered 261 to 266 inclusive, and the residue numbered 287 to 300 inclusive.

## UNITED STATES OF AMERICA, STATE OF ARKANSAS.

No. 100.]

A.

[\$1,000.

## Real Estate Bank of the State of Arkansas.

Under an act of the general assembly entitled "An act to establish the Real Estate Bank of the State of Arkansas," approved October 26, 1836, and an act supplementary thereto entitled "An act to increase the rate of interest on the bonds of the State issued to the Real Estate Bank of the State of Arkansas," approved December 19, 1837.

*Six per cent stock.*

Know all men by these presents, that the State of Arkansas acknowledges to be indebted to the Real Estate Bank of the State of Arkansas in the sum of one thousand dollars; which sum the said State of Arkansas promises to pay, in current money of the United States, to the order of the president, directors, and company of said bank, on the twenty-sixth day of October, one thousand eight hundred and sixty-one, with interest, at the rate of six per cent per annum, payable half yearly at the place named in the endorsement hereto, on the first days of January and July of each year, until the payment of said principal.

In testimony whereof the governor of the State of Arkansas has signed, and the treasurer of the State has countersigned, these presents, and caused the seal [L. S.] of the State to be fixed thereto, at Little Rock, this first day of January, in the year of our Lord one thousand eight hundred and thirty-eight.

SAM. C. ROANE, *Governor.*

Countersigned:

WM. E. WOODRUFF, *Treasurer.*

500 bonds of this description, numbered 1 to 500, inclusive.

## UNITED STATES OF AMERICA, STATE OF ARKANSAS.

\$1,000. }  
£225. }

No. 294.

{ \$1,000.  
£225.

## Bank of the State of Arkansas.

*Six per cent stock.*

Under an act of the general assembly of the State of Arkansas entitled "An act supplemental to an act to establish the State Bank of Arkansas," approved December 18, 1837.

Know all men that the State of Arkansas acknowledges to be indebted to the president and directors of the Bank of the State of Arkansas in the sum of one thousand dollars; which sum the said State of Arkansas promises to pay, in current money of the United States, to the order of the president and directors of said bank, on the first day of January, one thousand eight hundred and sixty-eight, with interest, at the rate of six per cent per annum, payable half yearly at the place named in the endorsement hereto, on the first day of July and of January, of each year, until the payment of said principal.

In testimony whereof the governor of the State of Arkansas has signed, and the treasurer of the State has countersigned, these presents, and caused the seal [L. S.] of the State to be fixed thereto, at Little Rock, this first day of January, in the year of our Lord one thousand eight hundred and thirty-eight.

SAM. C. ROANE, *Governor.*

Countersigned:

WM. E. WOODRUFF, *Treasurer.*

100

These bonds have been assigned to the Secretary of the Treasury.

38 bonds of this description—13 numbered 282 to 294, inclusive; 15 numbered 359 to 373, inclusive; and 10 numbered 401 to 410, inclusive.

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SPECIAL CERTIFICATE.

DETROIT AND PONTIAC RAILROAD STATE STOCK, STATE OF MICHIGAN.

\$1,000.]

*Six per cent stock.*

[No. 92.

Know all men by these presents, that the State of Michigan acknowledges to owe to the Detroit and Pontiac Railroad Company the sum of one thousand dollars, lawful money of the United States of America, which sum of money the said State promises to pay to the said Detroit and Pontiac Railroad Company, or to their order, at the Manhattan Bank, in the city of New York, on the first Monday of July in the year of our Lord one thousand eight hundred and fifty-eight, or at any time thereafter that the State may choose, with interest thereon, at the rate of six per centum per annum, payable at the said Manhattan Bank half yearly, upon presentation and the delivery of the coupons severally hereunto annexed, to wit: On the first Monday of January and the first Monday of July, in each and every year, until the payment of the said principal sum.

The faith and credit of the people of the said State are hereby solemnly pledged for the payment of the interest and the redemption of the principal thereof, in accordance with the provisions of the act entitled "An act to provide for the relief of the Detroit and Pontiac Railroad Company," approved March 5, A. D. 1838.

In testimony whereof the treasurer of the State of Michigan has signed this certificate, and has hereunto affixed the seal of his office, this first day of [L. S.] May, in the year of our Lord one thousand eight hundred and thirty-eight.

HENRY HOWARD,  
*Treasurer of the State of Michigan.*

8 bonds of this description—1 numbered 76; the residue numbered 86 to 92, inclusive.

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UNITED STATES OF AMERICA, STATE OF ILLINOIS.

\$1,000.]

No. 83.

[\$1,000.

*Six per cent stock, interest half yearly.*

*Illinois bank and internal improvement stock.*

Know all men by these presents, that there is due from the State of Illinois to the Bank of Illinois, or bearer, one thousand dollars, lawful money of the United States, with interest at the rate of six per centum per annum, payable half yearly, on the first Mondays of January and July, at the Bank of the United States in Philadelphia, or at its agency in New York, at the option of the holder, on the presentation and surrender of the annexed warrants. The principal is reimbursable at either of the above places, at the pleasure of the State, after the year 1860. For the performance of all which the faith of the State of Illinois is irrevocably pledged, as also a like amount of the stock in the Bank of Illinois, agreeably to "An act supplementary to an act to increase the capital stock of certain banks, and to provide means to pay the interest on a loan authorized by an act entitled an 'Act to establish and maintain a general system of internal improvement,'" approved March 4, 1837.

In witness whereof the governor, auditor, and treasurer of the State of Illinois  
[L. S.] have signed this certificate, and have caused the seal of the said State to  
be hereunto affixed, this 31st day of July, 1837.

JOSEPH DUNCAN, *Governor.*

LEVI DAVIS, *Auditor.*

JOHN D. WHITESIDE, *Treasurer.*

13 bonds of this description—4 numbered 70, 71, 73, 74, and the residue numbered 81 to 89, inclusive.

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UNITED STATES OF AMERICA, STATE OF ILLINOIS.

\$1,000.] Interest six per cent. [\$1,000.]

CERTIFICATE OF ILLINOIS.

No. 2460.] *Internal improvement stock.* [No. 2460.]

Know all men by these presents, that there is due from the State of Illinois to Nevins, Townsend & Co., or bearer, one thousand dollars, lawful money of the United States, with interest at the rate of six per centum per annum, payable half yearly, on the first Mondays of January and July, at the Bank of the United States in Philadelphia, or at its agency in New York, at the option of the holder, on the presentation and surrender of the annexed warrants. The principal is reimbursable at either of the above places, at the pleasure of the State, after the first day of January, 1870. For the performance of all which the faith of the State of Illinois is irrevocably pledged, agreeably to "An act to establish and maintain a general system of internal improvements," approved February 27, 1837.

Witness our hands, at Vandalia, this first day of January, 1838.

CHAS. OAKLEY,  
M. M. RAWLINGS,  
THOMAS MATHER,  
*Commissioners.*

LEVI DAVIS, *Auditor.*

3 bonds of this description—2457, 2459, 2460.

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UNITED STATES OF AMERICA, STATE OF ILLINOIS.

\$1,000.] Six per cent stock, interest half yearly. [\$1,000.]

ILLINOIS AND MICHIGAN.

Canal stock. No. 1241.

Know all men by these presents, that there is due from the State of Illinois to the State Bank of Illinois, or bearer, one thousand dollars, lawful money of the United States, with interest at the rate of six per centum per annum, payable half yearly, on the first Mondays of January and July, at the Bank of the United States in Philadelphia, or at its agency in New York, at the option of the holder, on the presentation and surrender of the annexed warrants. The principal is reimbursable at either of the above places, at the pleasure of the State, after the year 1860. For the performance of all which the faith of the State of Illinois is irrevocably pledged, as also the property, tolls, and revenues of the Illinois and Michigan canal, agreeably to an

act entitled "An act for the construction of the Illinois and Michigan canal," approved the 9th January, 1836.

In witness whereof the governor, auditor, and treasurer of the State of Illinois  
[L. S.] have signed this certificate, and have caused the seal of the said State to  
be hereunto affixed, this 1st day of July, 1839.

THO. CARLIN, *Governor.*  
LEVI DAVIS, *Auditor.*

JOHN D. WHITESIDE, *Treasurer.*

10 bonds of this description, numbered 1237 to 1246, inclusive.

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UNITED STATES OF AMERICA, STATE OF ILLINOIS.

\$1,000.] Interest six per cent. [\$1,000.

CERTIFICATE OF ILLINOIS.

No. 2636.] *Internal improvement stock.* [No. 2636.

Know all men by these presents, that there is due from the State of Illinois to  
———, or bearer, one thousand dollars, with interest at the rate of six per  
cent per annum, payable half yearly, on the first Mondays of January and July, at  
the banking house of the agency of the Bank of the United States in New York, on  
presentation and surrender of the annexed warrants. The principal is reimbursable  
at the said banking house, at the pleasure of the State, after the 1st day of January,  
1870.

For the performance of all which the faith of the State of Illinois is irrevocably  
pledged, agreeably to "An act to establish and maintain a general system of internal  
improvement," approved February 27, 1837, and an amendment, approved March 2,  
1839.

Witness our hands, at Vandalia, this 1st day of July, 1839.

CHAS. OAKLEY,  
JOHN TILLSON, Jr.,  
*Commissioners.*

10 bonds of this description, numbered 2629, 2632, 2634, 2636, 2639, 2648, 2658, 2660,  
2661, 2664.

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STATE OF OHIO CANAL STOCK.

Transfer office, office of the Ohio Life Insurance and Trust Company, in the city of  
New York, August 7, 1841.

Be it known, that the State of Ohio owes to the Secretary of the Treasury of the  
United States, in trust for the Smithsonian fund or his assigns, the sum of five thou-  
sand dollars bearing interest at the rate of six per centum per annum, from the first  
day of July, 1841, inclusively, payable at this office, half yearly, on the first days of the  
months of January and July, being stock created in pursuance of sundry acts of  
the legislature of the State of Ohio passed March 24th, 1837, the principal of which  
stock is reimbursable at the pleasure of the State, at any time after the thirty-first  
day of December, in the year 1860; which debt is recorded in this office, and is trans-  
ferable only by appearance in person or by attorney, according to the rules and forms  
instituted for that purpose.

No. 3179. In testimony whereof, I, J. N. Perkins, cashier of the Ohio Life Insurance and Trust Company, agent, duly appointed for that purpose by the commissioners of the canal fund of Ohio, pursuant to authority vested in  
[L. s.] them by the acts aforementioned, have hereunto subscribed my name and affixed the seal of said commissioners, the day and year first above mentioned.

\$5,000.

J. N. PERKINS.

SAM. P. BULL, *Transfer Office*.

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STATE OF OHIO CANAL STOCK.

Transfer office, office of the Ohio Life Insurance and Trust Company, in the city of New York, August 6, 1841.

Be it known, that the State of Ohio owes to the Secretary of the Treasury of the United States in trust, for the Smithsonian fund, or his assigns, the sum of thirteen thousand dollars, bearing interest at the rate of six per centum per annum, from the first day of July, 1841, inclusively, payable at this office, half yearly, on the first day of the months of January and July, being stock created in pursuance of sundry acts of the legislature of Ohio passed March 19, 1838, and March 23, 1840, the principal of which stock is reimbursable at the pleasure of the State, at any time after the thirty-first day of December, in the year 1860; which debt is recorded in this office, and is transferable only by appearance in person or by attorney, according to the rules and forms instituted for that purpose.

No. 3176. In testimony whereof, I, J. N. Perkins, cashier of the Ohio Life Insurance and Trust Company, agent, duly appointed for that purpose by the commissioners of the canal fund of Ohio, pursuant to authority vested  
[L. s.] in them by the acts aforementioned, have hereunto subscribed my name, and affixed the seal of said commissioners, the day and year first above mentioned.

J. N. PERKINS,  
*Cashier Ohio Life Ins. and Trust Co.*

SAM. P. BULL, *Transfer Office*.

\$13,000.

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UNITED STATES LOAN OF 1841.

\$1,291.86.      No. 66.      No. 66.      \$1,291.86.

TREASURY DEPARTMENT, *September 28, 1841.*

Be it known that there is due from the *United States of America* unto the Secretary of the Treasury, for the time being, in trust for the Smithsonian fund, or his assigns, the sum of *one thousand two hundred and ninety-one dollars and eighty-six cents*, bearing interest at five and a half per centum per annum, from the eighteenth day of September, 1841, inclusively, payable quarter yearly, being stock created in pursuance of an act of *Congress* passed on the 21st day of July, 1841, entitled "An act authorizing a loan not exceeding the sum of twelve millions of dollars," the principal of which stock is reimbursable at the pleasure of the *United States*, at any time after the thirty-first day of December, 1844; which debt is recorded in and transferable at the office of the *Register* of Treasury, by appearance in person or by attorney, according to the rules and forms instituted for that purpose.

WALTER FORWARD,  
*Secretary of the Treasury.*

Countersigned:  
T. L. SMITH, *Register.*

*Stocks in which the Smithsonian fund is invested.*

Stock.	Amount.	Rate of interest.	When payable.	When and where redeemable.	For what object issued.
		<i>Per ct.</i>			
Stock of the State of Arkansas.	\$38,000.00	6	Payable at New York.	Jan. 1, 1868, at New York.	Issued to Bank of the State of Arkansas.
Do.....	500,000.00	6	.....do .....	Oct. 26, 1861, at New York.	Real Estate Bank of the State of Arkansas.
Stock of the State of Michigan.	8,000.00	6	.....do .....	First Monday of July, 1858, at New York or at any time thereafter, as the State may choose.	Detroit and Pontiac R. R. Co.
Stock of the State of Illinois.	13,000.00	6	Payable at New York or Philadelphia, at the option of the holder.	At New York or Philadelphia, at the pleasure of the State, after 1860.	Bank and internal improvement stock.
Do.....	3,000.00	6	.....do .....	At New York or Philadelphia, at the pleasure of the State, after Jan. 1, 1870.	Internal improvement stock.
Do.....	30,000.00	6	Payable at New York.	At New York, at the pleasure of the State, after Jan. 1, 1870.	Do.
Do.....	10,000.00	6	Payable at New York or Philadelphia, at the option of the holder.	At New York or Philadelphia, at the pleasure of the State, after the year 1860.	Illinois and Michigan canal stock.
Stock of the State of Ohio.	18,000.00	6	Payable at New York.	At the pleasure of the State, at any time after Dec. 31, 1860.	State of Ohio canal stock.
Stock of the United States created by the act of July 21, 1841.	1,291.86	5½	.....	At the pleasure of the United States, at any time after Dec. 31, 1844.	
Amount .....	628,291.86				

[H. 386. Reported by Mr. J. Q. Adams.]

SEC. 1. *Be it enacted, etc.,* That the President of the Senate and the Speaker of the House of Representatives of the United States, the Chief Justice of the United States, the Secretaries of State, Treasury, War, and Navy, the Postmaster and Attorney Generals, the chief justice of the circuit court of the United States for the District of Columbia, and the mayor of the city of Washington shall be, and hereby are, constituted a body politic and corporate, by the style and title of the trustees of the Smithsonian Institution for the increase and diffusion of knowledge among men, with perpetual succession, and the usual powers, duties, and liabilities incident to corporations.

SEC. 2. *And be it further enacted,* That the corporation so constituted shall have power to appoint, from citizens of the United States other than members of the board

a secretary and a treasurer, to hold their offices during the pleasure of the board, and removable at their pleasure, and others to be appointed in their places, and to fix from time to time their compensation. And the secretary and treasurer only shall receive pecuniary compensation for their services, and those of the members of the board of trustees shall be gratuitous. And the offices of secretary and treasurer may, at the discretion of the board of trustees, be held by the same person. The secretary and treasurer shall be sworn to the faithful discharge of the duties of their respective offices; and the treasurer shall give bond, with the penalty of \$50,000, with sureties to the satisfaction of the Secretary of the Treasury, for the safe custody and faithful application of all the funds of the institution which may come to his hands or be at his disposal.

SEC. 3. *And be it further enacted*, That the sum of \$508,318.46, placed in the Treasury of the United States on the first day of September, 1838, as the proceeds, in part, of the bequest of James Smithson to the United States, together with all sums which have been or may hereafter be realized from the said bequest, shall be passed hereafter to the credit of a fund, to be denominated the Smithsonian fund, in the Treasury of the United States. And the faith of the United States is hereby pledged for the preservation of the said fund undiminished and unimpaired, to bear interest at the rate of six per cent a year, payable half-yearly, on the first days of January and July, to the treasurer of the board of trustees of the Smithsonian fund, to be applied to the purposes of the fund, conformably to the laws, and subject to the revision and regulations of the board of trustees.

SEC. 4. *And be it further enacted*, That no part of the said Smithsonian fund, principal or interest, shall be applied to any school, college, university, other institute of education, or ecclesiastical establishment.

SEC. 5. *And be it further enacted*, That the appropriations to be made from time to time by Congress, to the purposes of the Smithsonian Institution, as declared by the testator, shall be exclusively from the accruing interest, and not from the principal, of the said fund; but Congress shall retain the power of investing, at their discretion, the principal of said fund and its increase in any other manner, so as to secure not less than a yearly interest of six per cent, and may appropriate, from any other unappropriated moneys in the Treasury, sums to an amount not exceeding six years of the accruing interest on the Smithsonian fund, to be repaid from the said accruing interest into the Treasury.

SEC. 6. *And be it further enacted*, That the sum of \$30,000, part of the accruing interest on the same Smithsonian fund, be, and the same is hereby, appropriated towards the erection and establishment, at the city of Washington, of an astronomical observatory, adapted to the most effective and continual observations of the phenomena of the heavens; to be provided with the necessary, best, and most perfect instruments and books, for the periodical publication of the said observations, and for the annual composition and publication of a nautical almanac.

SEC. 7. *And be it further enacted*, That the said observatory shall be erected under the direction of the board of trustees on a site in the city of Washington to be selected by them; and should the same be on land belonging to the United States so much thereof as in the opinion of the trustees shall be necessary for the purpose shall be conveyed to them in consideration of the sum of \$10,000 taken from that fund by the general appropriation act of March 3, 1839: *Provided*, That if no such suitable site can be found on the public lands, that then a selection of a site on private property may be made at a price not exceeding one-half cent per square foot, to be paid out of the appropriation in the immediately preceding section of this act.

SEC. 8. *And be it further enacted*, That all expenditures made by the said board of trustees shall be subject to the approval of the President of the United States; and all the accounts thereof shall be reported to the Secretary of the Treasury and audited

under his direction by the proper officers of the Treasury Department; and the said board shall report to Congress at every session thereof the state of the Smithsonian fund and a full statement of their receipts and expenditures during the preceding year.

SEC. 9. *And be it further enacted*, That the first meeting of the trustees of the Smithsonian fund shall be held at the city of Washington on the third Tuesday of ——— next, and that in the meantime the custody of the said fund and the expenditures under the appropriations herein made shall be held and authorized by the Secretary of the Treasury, subject to the approbation of the President of the United States.

SEC. 10. *And be it further enacted*, That there shall be a board of visitors to be annually appointed, consisting of nine members, two of whom to be commissioned officers of the Army, to be appointed by the Secretary of War; two commissioned officers of the Navy, to be appointed by the Secretary of the Navy; the mayors, for the time being, of the cities of Alexandria and of Georgetown within the District of Columbia, and one citizen of each of the cities of Washington, Alexandria, and Georgetown, to be appointed by the President of the United States, who shall meet on the first Monday of February, at eleven o'clock before noon, at the said astronomical observatory, and visit and inspect the condition of the said observatory and of the Smithsonian Institution generally. They shall choose among themselves a chairman and shall make report to the President of the United States of the said condition of the institution, specifically indicating in what respect the institution has during the preceding year contributed to the purpose of the founder—the increase and diffusion of knowledge among men. To this board the astronomical observator shall make a report to the same effect so far as regards the astronomical branch of the institution, which report shall be annexed to that of the board to the President of the United States, who shall communicate the said reports to Congress. The services of the members of said board shall be gratuitous.

SEC. 11. *And be it further enacted*, That there is reserved to Congress the right of altering, amending, adding to, or repealing any of the provisions of this act which shall be found inconvenient upon experience: *Provided*, That no contract or individual right made or acquired under such provisions shall thereby be impaired or divested.

SEC. 12. *And be it further enacted*, That the sum of \$60,000 of the interest accrued and now invested in bonds of the State of Arkansas and ———, bearing an interest at the rate of six per cent a year, be, and it is hereby, constituted a fund from the yearly interest of which the compensation shall be paid of an astronomical observator to be appointed by the board of overseers, removable at their discretion, and another to be appointed whenever the said office may be vacant. His compensation shall be at the rate of three thousand dollars a year, and \$600 a year for the incidental and contingent expenses of repairs upon the buildings, as they may be required.

SEC. 13. *And be it further enacted*, That the sum of \$120,000, from the interest already accrued or to accrue hereafter to that amount, and yielding yearly interest at the rate of six per cent a year, be, and is hereby, constituted a fund, from the interest of which four assistants to the astronomer and laborers necessary for attendance on him, for the care and preservation of the buildings, shall be provided and supported. The compensation of the four assistants to be at the rate of \$1,500 a year each; and the compensation of the laborers (with compensations not to exceed in amount for the whole of those found necessary) \$1,200 a year; the assistants and laborers to be appointed and removable by the said board of trustees, at their discretion.

SEC. 14. *And be it further enacted*, That the sum of \$20,000 of the interest hereafter to accrue from the said Smithsonian fund be, and is hereby, appropriated to furnish

an assortment of the best and most perfect instruments for astronomical observation, to be procured under the direction of the astronomical observator, to be appointed conformably to the twelfth section of this act.

SEC. 15. *And be it further enacted*, That the further sum of \$10,000 of the interest to accrue on the said fund be, and hereby is, constituted a fund from the interest of which other instruments may be from time to time procured, as occasions for the use of them may arise, and for repairs of instruments, as needed.

SEC. 16. *And be it further enacted*, That the sum of \$10,000, to accrue from the future interest on the said fund, be, and the same is hereby, appropriated for the purchase of a library of books of science and literature for the use of the observatory, to be selected by the observator; and the further sum of \$20,000 of the said interest to accrue from the said fund is hereby constituted a fund from the yearly interest of which the sum of \$1,200 shall be applied for the constant supply of new works, transactions of learned societies, and periodical publications upon science in other parts of the world or in America.

SEC. 17. *And be it further enacted*, That the further sum of \$30,000 of the interest hereafter to accrue from the said principal Smithsonian fund be, and hereby is, constituted a fund from the income of which, being \$1,800 a year, shall be defrayed the expense of the yearly publication of the observations made at the observatory, and of a nautical almanac to be called the Smithsonian Almanac.

SEC. 18. *And be it further enacted*, That for any other moneys which have accrued, or may hereafter accrue, upon the said Smithsonian fund not herein appropriated the board of trustees are hereby authorized to make such disposal as they shall deem necessary for the promotion of the purpose of the testator—the increase and diffusion of knowledge among men.

*April 12, 1842—House.*

The SPEAKER (Mr. John White) presented additional documents in support of the memorial of Richard Rush, which were referred to the Committee of Claims.

On motion of Mr. ADAMS, it was then ordered that the committee on the Smithsonian bequest be discharged from the memorial of Richard Rush, and that it be referred to the Committee of Claims.

*June 8, 1842—Senate.*

Mr. E. W. HUBARD, from the Committee on Claims, reported House bill 479 for the relief of Richard Rush. Committed to Committee of the Whole.

*July 18, 1842—Senate.*

The bill S. 224 was considered in Committee of the Whole.

On motion of Mr. WILLIAM ALLEN,

*Ordered*, That it lie on the table.

[This bill is the same as S. 259, introduced into the Senate by Mr. Preston, from the Committee on the Library, on February 17, 1841.]

*August 5, 1842—House.*

Bill H. 479, for the relief of Richard Rush, was reported.

*August 27, 1842—House.*

A petition of Henry L. Ellsworth, Elisha Whittlesey, J. S. Skinner, and others, on behalf of the Agricultural Society of the United States, was laid on the table.

The memorial of the undersigned respectfully represents: That they, and those associated with them, have formed a society in the District of Columbia, to be called "The Agricultural Society of the United States," which is designed in various ways to promote the improvement of American husbandry.

For that purpose they have adopted a constitution, and applied to Congress for an act of incorporation. The objects of the society are fully explained in the constitution, a copy of which has been laid before Congress. One of these is the establishment of a school and farm in this District, with a course of lectures for instruction and experiments to advance the condition of agriculture throughout the Union, and thus diffuse wider among men that knowledge so essential to the improvement of this most important pursuit.

They therefore, in pursuance of a resolve<sup>1</sup> adopted by said society, a copy of which is hereto annexed, pray Congress to set apart and apply to the above objects the residue of the Smithsonian fund, or such portion of it as in the opinion of Congress can be most usefully and properly expended in that manner.

HENRY ELLSWORTH.  
ELISHA WHITTLESEY.  
J. S. SKINNER.  
JNO. A. SMITH.  
ALEXANDER HUNTER.

WASHINGTON, *December, 1841.*

*December 23, 1842—House.*

Passed H. 479.

*March 1, 1843—Senate.*

Passed H. 479.

*March 3, 1843.*

Act approved by the President.

*Be it enacted, etc.,* That the Secretary of the Treasury pay, out of any money in the Treasury not otherwise appropriated, to Richard Rush, the sum of \$3,815.73, for extra services in converting the Smithsonian funds received by him as the agent of the United States into gold coin, and for his aid and supervision in transporting the same from London to the mint at Philadelphia.

(Stat., VI, 892.)

#### UNITED STATES EXPLORING EXPEDITION.

*August 4, 1842.*

Act for naval service for 1842.

For the transportation, arrangement, and preservation of articles brought and to be brought by the exploring expedition, \$20,000, if so much be necessary.

(Stat., V, 501.)

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<sup>1</sup> Vide fifteenth article of constitution, presented August 27, 1842:

"ART. 15. The said board (board of control) shall also be instructed to make efforts to obtain funds for the establishment of an agricultural school in the District of Columbia, and, appurtenant thereto, a course of public lectures on agriculture, chemistry, botany, mineralogy, geology, and entomology as appropriate sciences to the great business of agriculture, and an experimental farm, which, with the buildings and improvements thereon, shall be set apart forever as an establishment for the increase and diffusion of knowledge among men."

*August 26, 1842.*

An Act to provide for publishing an account of the discoveries made by Lieutenant Wilkes, of the United States Navy.

*Be it enacted, etc.,* That there shall be published, under the supervision and direction of the Joint Committee on the Library, "an account of the discoveries made by the exploring expedition under the command of Lieutenant Wilkes, of the United States Navy," which account shall be prepared with illustrations and published in a form similar to the Voyage of the Astrolabe, lately published by the Government of France.

SEC. 2. *And be it further enacted,* That when such account shall have been written, and the illustrations for the same shall have been prepared, an advertisement shall be inserted in the papers publishing the laws of the United States, inviting proposals for printing 100 copies of the same for the United States, to be delivered to the Librarian of Congress in a time and at a price to be stipulated in such contract; and the contract shall be made with and given to the person offering and giving sufficient assurance to perform the work at the lowest price; and on such contract being made the "account" shall be delivered to such contractor.

SEC. 3. *And be it further enacted,* That until other provision be made by law for the safe keeping and arrangement of such objects of natural history as may be in possession of the Government, the same shall be deposited and arranged in the upper room of the Patent Office under the care of such person as may be appointed by the Joint Committee on the Library.

(Stat., V, 534.)

*December 24, 1842.*

Civil and diplomatic act for 1843.

For expenses attending the preparation of the results and account of the exploring expedition, for the publication thereof ordered by Congress, \$20,000.

(Stat., V, 596.)

*March 3, 1843.*

Civil and diplomatic act for 1844.

And the accounting officers of the Treasury are hereby authorized and directed, in the settlement of the accounts of the officers attached to the late surveying and exploring expeditions to the Pacific Ocean and the South Seas, who were employed in the scientific duties, to allow and credit them with extra pay, equal to that allowed to the officers engaged in the service of the Coast Survey.

(Stat., V, 636.)

For preparing and publishing charts, and otherwise carrying into effect the act of August 26, 1842, for publishing an account of the

discoveries of the exploring expedition, under the supervision and direction of the Joint Committee on the Library, \$20,000.  
(Stat., V, 645.)

**TWENTY-EIGHTH CONGRESS, 1843-1845.**

**BEQUEST OF JAMES SMITHSON.**

*December 5, 1843—Senate.*

*Message of the President, John Tyler.*

\* \* \* In connection with its other interests, as well as those of the whole country, I recommend that at your present session you adopt such measures, in order to carry into effect the Smithsonian bequest, as in your judgment will be the best calculated to consummate the liberal intent of the testator. \* \* \*

*December 15, 1843—Senate.*

On motion of Mr. RUFUS CHOATE, the message of the President was referred to the Committee on the Library—Mr. Rufus Choate, Mr. Benjamin Tappan, and Mr. John McP. Berrien.

*January 2, 1844—House.*

Mr. J. Q. ADAMS presented resolution, and the rule requiring the same to lie upon the table one day being dispensed with it was considered and agreed to:

*Resolved*, That the Secretary of the Treasury be directed to report to this House the present state and condition of the funds bequeathed by James Smithson to the United States, for the establishment at the city of Washington of an institution for the increase and diffusion of knowledge among men; with a statement of what payments of interest have been received, and what, if any, have been refused or withheld on the State stocks in which the said funds were invested; the amount of interest so withheld or refused to be paid; and what measures have been taken by the Secretary to recover the same; also by whose agency the said investments were made; with copies of any correspondence of the Treasury Department with such agents relating thereto.

*February 2, 1844—House.*

Mr. HENRY WILLIAMS presented a petition of Horatio C. Merriam, of Massachusetts, that a portion of the Smithsonian bequest be applied to promote agricultural education, that science being heretofore neglected in the systems of education in this country. Referred to the Committee on Agriculture.

*February 19, 1844—House.*

The SPEAKER laid before the House the following communication:

A letter from the Secretary of the Treasury, in answer to a resolution of the House of Representatives of the 3d of January last, transmitting statements showing the present state and condition of the funds bequeathed by James Smithson to the United States; the payments of interest that have been received, and what have been refused or withheld on the State stocks in which the said funds were invested,

and the amount of interest so withheld; and stating what measures had been taken to recover the interest withheld; also, accompanied with copies of the correspondence in relation to the purchase of State stocks for the fund; which letter and accompanying documents were, on motion of Mr. JOHN QUINCY ADAMS, referred to a select committee of nine members.

Mr. John Quincy Adams, Mr. Geo. S. Houston, Mr. A. H. Chappell, Mr. Richard French, Mr. Wm. Lucas, Mr. Francis Brengle,<sup>1</sup> Mr. Jacob S. Yost, Mr. E. D. Potter, and Mr. John Wethered<sup>1</sup> were appointed the said committee.

TREASURY DEPARTMENT, *February 17, 1844.*

SIR: In compliance with the resolution of the House of Representatives of the 3d of January last, I have the honor to transmit the accompanying statements A, B, C, showing "the present state and condition of the funds bequeathed by James Smithson to the United States, for the establishment of an institution for the increase and diffusion of knowledge among men; the payments of interest that have been received, and what have been refused or withheld on the State stocks in which the said funds were invested, and the amount of interest so withheld."

I have the honor further to report, in compliance with the resolution, that the only measures taken to recover the interest so withheld were, by retaining in the Treasury the amounts stated in statement C, under the provisions of the fourth section of the act of 4th September, 1841; there being no other means by which the department could compel the payment of interest then in arrear.

The resolution also requires to be reported "by whose agency the said investments were made, with copies of any correspondence of the Treasury Department with such agents relating thereto."

In reply to this, I have the honor to state that it does not appear that any agent was ever appointed to make these investments. The correspondence in relation to the purchase of State stocks, for the fund, appears to have been principally with stockbrokers; and copies are annexed, marked from D No. 1 to D No. 63.

I have the honor to be, very respectfully,

Your obedient servant,

J. C. SPENCER,  
*Secretary of the Treasury.*

Hon. J. W. JONES,  
*Speaker of the House of Representatives.*

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<sup>1</sup>This committee, though ordered, was not actually appointed until Mr. Brengle and Mr. Wethered took their seats.

A.—Statement of the condition of the "Smithsonian fund in the Treasury of the United States," on January 12, 1844.

	<i>The bequest.</i>			<i>Expended for bonds and stocks.</i>	
Sept. 4, 1838	For this sum arising from the bequest of the late James Smithson, of London, for founding at Washington an institution for the increase and diffusion of knowledge among men, to be denominated the Smithsonian Institution .....	\$500,000.00		\$500,000.00 6 per cent bonds of the State of Arkansas, at 99.9 per cent, purchased by the Secretary of the Treasury in trust for the Smithsonian fund, per act of July 7, 1838 .....	\$499,500.00
Sept. 30, 1838	.....do.....	8,318.46	\$508,318.46	8,000.00 6 per cent bonds of the State of Michigan, including interest from May 1 to Nov. 23, 1838, at par.....	8,270.67
Dec. 29, 1838	<i>Interest on investments.</i>			10,000.00 6 per cent bonds of the State of Arkansas, at par .....	10,000.00
July 1, 1839	For this sum arising from moneys invested for the benefit of the Smithsonian Institution, per acts of July 7, 1838, and Sept. 11, 1841 .....	9,939.57		13,000.00 6 per cent bonds of the State of Arkansas, at 98½ per cent.....	12,837.50
Feb. 3, 1840	.....do.....	15,540.00		26,000.00 6 per cent bonds of the State of Illinois, at 73 per cent.....	18,960.00
July 13, 1840	.....do.....	15,930.00		15,000.00 6 per cent bonds of the State of Arkansas, at 69½ per cent.....	10,555.00
Feb. 1, 1841	.....do.....	16,710.00		6,000.00 6 per cent bonds of the State of Illinois, at 69½ per cent, with interest from July 1 to Aug. 7, 1840.....	4,223.00
June 30, 1841	.....do.....	5,000.00		24,000.00 6 per cent bonds of the State of Illinois, at 79½ per cent, with interest from Jan. 1 to Feb. 1, 1841 .....	19,200.00
Aug. 9, 1841	.....do.....	12,100.00		13,000.00 6 per cent canal stock of the State of Ohio, at 94 per cent, with interest from July 1 to 20, 1841 .....	12,263.33
Sept. 18, 1841	.....do.....	1,140.00		5,000.00 6 per cent canal stock of the State of Ohio, at 94 per cent, with interest from July 1 to 20, 1841 .....	4,716.67
Mar. 31, 1842	.....do.....	557.76		1,291.86 5½ per cent stock of the United States, at par ..	1,291.86
July 9, 1842	.....do.....	540.00		1,135.80 6 per cent stock of the United States, at par ..	1,135.80
Aug. 25, 1842	.....do.....	38.04		8,322.79 6 per cent stock of the United States, at par...	8,322.79
Nov. 26, 1842	.....do.....	480.00			
Dec. 13, 1842	.....do.....	4,482.79			
Do.....	.....do.....	3,360.00			
Jan. 3, 1843	.....do.....	113.06			
Jan. 6, 1843	.....do.....	540.00			
April 20, 1843	.....do.....	1,680.00			
Do.....	.....do.....	240.00			

A.—Statement of the condition of the “Smithsonian fund in the Treasury of the United States,” on January 12, 1844—Continued.

<i>Interest on investments—Continued.</i>			<i>Expended for bonds and stocks—Continued.</i>		
			Mar. 31, 1843	\$53. 05 6 per cent stock of the United States, at par..	\$53. 05
April 20, 1843	For this sum arising from moneys invested for the benefit of the Smithsonian Institution, per acts of July 7, 1838, and Sept. 11, 1841 .....		Jan. 12, 1844	4,231.35 5 per cent stock of the United States, at par..	4,231.35
July 7, 1843	.....do.....	\$529.37			
July 20, 1843	.....do.....	540.00			
Jan. 4, 1844	.....do.....	343.11			
	.....do.....	878.87			
		\$107,862.56			
		616,181.02		635,634.86	616,181.02

B.—Statement exhibiting the amount and description of the State bonds, and stocks of the United States and State of Ohio, purchased by the Secretary of the Treasury in trust for the benefit of the Smithsonian Institution, with the interest which has accrued thereon to December 31, 1843.

Date of purchase.	Description of bonds and stocks.	Amount.	Period from which interest commences.	Period to which interest has become due.					Total amount of interest accrued to Dec. 31, 1843.
				Dec. 31, 1838.	Dec. 31, 1839.	Dec. 31, 1840.	Dec. 31, 1841.	Dec. 31, 1842.	
Sept. 4, 1838	Arkansas 6 per cent bonds .....	\$500,000.00	Sept. 5, 1838	\$9,619.57	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$159,619.57
Nov. 23, 1838	Michigan 6 per cent bonds .....	8,000.00	May 1, 1838	320.00	480.00	480.00	480.00	480.00	2,720.00
Dec. 29, 1838	Arkansas 6 per cent bonds .....	10,000.00	Jan. 1, 1839		600.00	600.00	600.00	600.00	3,000.00
July 6, 1839	.....do .....	13,000.00	July 1, 1839		390.00	780.00	780.00	780.00	3,510.00
Feb. 3, 1840	Illinois 6 per cent bonds .....	26,000.00	Jan. 1, 1840			1,560.00	1,560.00	1,560.00	6,240.00
Sept. 21, 1840	Arkansas 6 per cent bonds .....	15,000.00	July 1, 1840			450.00	900.00	900.00	3,150.00
Dec. 3, 1840	Illinois 6 per cent bonds .....	6,000.00	.....do .....			180.00	360.00	360.00	1,260.00
Feb. 1, 1841	.....do .....	24,000.00	Jan. 1, 1841				1,440.00	1,440.00	4,320.00
Aug. 7, 1841	Ohio 6 per cent canal stock.....	13,000.00	July 1, 1841				390.00	780.00	1,950.00
Aug. 10, 1841	.....do .....	5,000.00	.....do .....				150.00	300.00	750.00
Sept. 27, 1841	United States 5½ per cent stock.	1,291.86	Sept. 18, 1841				20.28	71.04	162.36
Aug. 27, 1842	United States 6 per cent stock..	540.00	Jan. 3, 1842					32.31	64.71
Do.....	.....do .....	17.76	Jan. 25, 1842					.96	2.04
Do.....	.....do .....	540.00	July 7, 1842					15.75	48.15
Do.....	.....do .....	38.04	Aug. 15, 1842					.87	3.15
Dec. 29, 1842	.....do .....	480.00	Nov. 26, 1842					2.80	31.60
Do.....	.....do .....	7,842.79	Dec. 13, 1842					24.84	519.89
Mar. 31, 1843	.....do .....	113.05	Jan. 3, 1843						6.75
Do.....	.....do .....	540.00	Jan. 4, 1843						32.18
Jan. 12, 1844	United States 5 per cent stock..	4,231.35	Jan. 1, 1844						
		635,634.85		9,939.57	31,470.00	34,050.00	36,680.28	37,948.57	187,390.40

C.—Statement exhibiting the payments of interest which have been received into the Treasury on account of the Smithsonian fund and the amount remaining due and unpaid December 31, 1843.

Date of cov- ering war- rant.				Interest due and unpaid.	
	It will be seen from the accompanying statement (marked B) that the whole amount of interest which has accrued upon the several State bonds, and stocks of the State of Ohio and the United States, from the date of purchase to December 31, 1843, is .....				\$187,390.40
	Of this sum there has arisen upon bonds of the State of Arkansas (as per statement marked B) the sum of....		\$169,279.57		
	On account of which sum the following payments have been received into the Treasury, viz:				
Dec. 29, 1838	This sum deposited to the credit of the Treasurer of the United States in the Bank of the Metropolis, Dec. 28, 1838.....	\$9,619.57			
July 1, 1839	This sum deposited to the credit of the Treasurer of the United States in the Bank of the Metropolis, July 1, 1839.....	15,800.00			
Feb. 3, 1840	This sum deposited to the credit of the Treasurer of the United States in the Franklin Bank of Baltimore, Jan. 13, 1840 .....	15,690.00			
July 13, 1840	This sum deposited to the credit of the Treasurer of the United States in the Bank of America, New York, July 10, 1840.....	15,690.00			
Feb. 1, 1841	This sum deposited to the credit of the Treasurer of the United States with the receiver-general at New York, Jan. 5, 1841 .....	16,140.00			
June 30, 1841	This sum deposited to the credit of the Treasurer of the United States in the office of the Treasurer of the United States, June 26, 1841 .....	5,000.00			
Aug. 7, 1841	This sum deposited to the credit of the Treasurer of the United States with the receiver-general at New York, July 2, 1841.....	10,000.00			
Sept. 18, 1841	This sum deposited to the credit of the Treasurer of the United States in the Merchants' Bank, New York, Sept. 17, 1841.....	1,140.00			
Dec. 13, 1842	This sum being on account of the distributive share of said State of the proceeds of the sales of public lands from Jan. 1 to June 30, 1842 .....	4,482.79			
Apr. 20, 1843	This sum being on account of the net proceeds of the public lands sold from July 1 to Aug. 29, inclusive.	529.37	93,591.73		
	Leaving a balance of interest due by the State of Arkansas, and unpaid Dec. 31, 1843, of.....			\$75,687.84	
	Of the above amount of interest accrued, there has also arisen upon bonds of the State of Michigan (as per statement marked B) the sum of .....		2,720.00		

Dec. 29, 1838	On account of which, the following sums have been paid into the Treasury, viz: This sum deposited to the credit of the Treasurer of the United States in the Bank of the Metropolis, Dec. 28, 1838.....	\$20. 00		
July 1, 1839	This sum deposited to the credit of the Treasurer of the United States in the Bank of the Metropolis, July 1, 1839 .....	240. 00		
Feb. 3, 1840	This sum deposited to the credit of the Treasurer of the United States in the Franklin Bank of Baltimore, Jan. 13, 1840 .....	240. 00		
July 13, 1840	This sum deposited to the credit of the Treasurer of the United States in the Bank of America, New York, July 10, 1840 .....	240. 00		
Feb. 1, 1841	This sum deposited to the credit of the Treasurer of the United States in the Treasury of the United States, Feb. 1, 1841.....	60. 00		
Aug. 7, 1841	This sum deposited to the credit of the Treasurer of the United States in the office of the receiver-general at New York, July 6, 1841 .....	420. 00		
Nov. 26, 1842	This sum applied from the distributive share of said State of the proceeds of the sales of public lands from Jan. 1 to June 30, 1842, and being amount of interest due June 30, 1842.....	480. 00		
Apr. 20, 1843	This sum applied from the distributive share of said State of the net proceeds of the sales of public lands, from July 1 to Aug. 29, 1842, inclusive, and being amount of interest due December 31, 1842 .....	240. 00	2, 240. 00	
	Leaving a balance of interest due by the State of Michigan, and unpaid, Dec. 31, 1843, of.....			480. 00
	Also, of the amount of interest accrued as above, there has arisen upon bonds of the State of Illinois (as per statement marked B) the sum of .....		11, 820. 00	
July 13, 1840	On account of which sum the following payments have been received into the Treasury, viz: This sum deposited to the credit of the Treasurer of the United States in the Bank of America, New York, July 10, 1840.....	780. 00		
Feb. 1, 1841	This sum deposited to the credit of the Treasurer of the United States—\$780 with the receiver-general at New York, Jan. 7, 1841; \$180 into the Treasury of the United States, Jan. 11, 1841.....	960. 00		
Aug. 7, 1841	This sum deposited to the credit of the Treasurer of the United States with the receiver-general at New York, July 6, 1841.....	1, 680. 00		
Dec. 13, 1842	This sum being on account of the distributive share of said State of the proceeds of sales of the public lands from Jan. 1 to June 30, 1842, being amount of interest due June 30, 1842 .....	3, 360. 00		
Apr. 20, 1843	This sum being on account of the net proceeds of sales of the public lands from July 1 to Aug. 29, 1842, due the said State, and being the amount of interest due Dec. 31, 1842.....	1, 680. 00	8, 460. 00	
	Thus leaving a balance of interest due by the State of Illinois, and unpaid Dec. 31, 1843, of.....			3, 360. 00

C.—Statement exhibiting the payments of interest which have been received into the Treasury on account of the Smithsonian fund, etc.—Continued.

Date of cov- ering war- rant.			Interest due and unpaid.
	Of the above amount of interest accrued, there has also arisen upon certificates of Ohio Canal stock (as per statement marked B) the sum of.....	\$2,700.00	
Mar. 31, 1842	On account of which sum the following payments have been received into the Treasury, viz: This sum deposited to the credit of the Treasurer of the United States in the Bank of Commerce, New York, Jan. 3, 1842.....	\$540.00	
July 9, 1842	This sum deposited to the credit of the Treasurer of the United States in the Bank of Commerce, New York. July 7, 1842.....	540.00	
Jan. 6, 1843	This sum deposited to the credit of the Treasurer of the United States in the Bank of America, New York, Jan. 4, 1843.....	540.00	
July 6, 1843	This sum deposited to the credit of the Treasurer of the United States in the Bank of Commerce, New York, July 1, 1843.....	540.00	
Jan. 4, 1844	This sum deposited to the credit of the Treasurer of the United States in the Bank of Commerce, New York, Jan. 2, 1844.....	540.00	
		2,700.00	
	There has also arisen of the above amount of interest accrued upon 5½ per cent stock of the United States the sum of.....	162.36	
Mar. 31, 1842	On account of which the following payments have also been received into the Treasury, viz: This sum deposited to the credit of the Treasurer of the United States in the Bank of the Metropolis, Jan. 25, 1842.....	17.76	
Aug. 25, 1842	This sum deposited to the credit of the Treasurer of the United States in the Bank of the Metropolis, Aug. 15, 1842.....	38.04	
Jan. 3, 1843	This sum deposited to the credit of the Treasurer of the United States in the Bank of the Metropolis, Jan. 3, 1843.....	35.52	
July 20, 1843	This sum deposited to the credit of the Treasurer of the United States in the Bank of the Metropolis, July 11, 1843.....	35.52	
Jan. 4, 1844	This sum deposited to the credit of the Treasurer of the United States in the Bank of the Metropolis, Jan. 4, 1844.....	35.52	
		162.36	

	There has arisen of the above amount, also, upon 6 per cent stock of the United States (per statement marked B), the sum of.....	708. 47	
Jan. 3, 1843	On account of which the following payments have been received into the Treasury, viz: This sum deposited to the credit of the Treasurer of the United States in the Bank of the Metropolis, Jan. 3, 1843.....	77. 53	
July 20, 1843	This sum deposited to the credit of the Treasurer of the United States in the Bank of the Metropolis, July 11, 1843.....	327. 59	
Jan. 4, 1844	This sum deposited to the credit of the Treasurer of the United States in the Bank of the Metropolis, Jan. 4, 1844.....	303. 35	708. 47
	Amount of interest due and remaining unpaid Dec. 31, 1843.....		79, 527. 84
	RECAPITULATION OF INTEREST PAID.		
	Amount of interest received upon bonds of the State of Arkansas.....	93, 591. 73	
	Amount of interest received upon bonds of the State of Michigan.....	2, 240. 00	
	Amount of interest received upon bonds of the State of Illinois.....	8, 460. 00	
	Amount of interest received upon 6 per cent Ohio Canal stock.....	2, 700. 00	
	Amount of interest received upon 6 per cent stock of the United States.....	708. 47	
	Amount of interest received upon 54 per cent stock of the United States.....	162. 36	
		107, 862. 56	\$187, 390. 40

D 1

TREASURY DEPARTMENT, *July 14, 1838.*

SIR: The public service at the West will probably require, in the course of a few weeks, considerable sums of money for disbursements on account of the Army and Indian Department. Should your bank find it convenient to meet drafts for any part of the balance due from you to the United States, payable at its counter, I will cheerfully direct the Treasurer to place such drafts upon you for such amounts as you shall advise me immediately will be paid by your bank. They will probably be required in specie. The sums paid will be carried to the credit of your bank, and stop interest from the date of payment. Should your bank have at command State stocks which it wishes to dispose of in discharge of its proportion of the two last installments of the bonds of the State Bank of Indiana to the United States, and will describe their character, and the lowest price at which they will be sold upon payment in the mode mentioned, this Department, having funds to invest in State stocks, will be glad to receive a proposition on the subject at your earliest convenience.

These suggestions are made under the belief that some benefit may result to all parties by such arrangement.

I am, &c.,

L. WOODBURY,  
*Secretary of the Treasury.*

PRESIDENT OF THE BRANCH OF THE STATE BANK OF INDIANA, *Madison.*

(A similar letter was addressed to president of the Bank of Michigan; president of the Planters' Bank of Mississippi; president of the branch of the Bank of the State of Alabama, at Mobile; president of the Agricultural Bank of Mississippi; president of the Farmers' and Mechanics' Bank of Michigan; president of the branch of State Bank of Indiana, at Lawrenceburg; president of the branch of State Bank of Indiana, at New Albany.)

D 2.

*Extract of a letter from the president of the branch bank, Madison, Indiana, dated Washington, August 3, 1838, in reply to the letter from the Department dated July 14, 1838.*

The branch of the State Bank of Indiana, at Madison, will furnish your Department with Indiana 5 per cent internal-improvement bonds, principal and interest payable in New York, to the full amount of the debt that branch owes your Department, at par.

Hon. LEVI WOODBURY,  
*Secretary of the Treasury.*

D 3.

AGRICULTURAL BANK, NATCHEZ, *July 26, 1838.*

SIR: Your favor of the 14th instant, addressed to the president of this bank, has been received. After thanking you for the suggestions it contains, I am to inform you that our agent in the North, Alvarez Fish, esq., formerly our president, is instructed to open a negotiation for the purchase of \$600,000 of the bonds of this State, now being offered in the Northern market, provided he can dispose of them to the Government in liquidation of the balance due the Treasury, and to correspond with you upon the subject. Our directory feel somewhat sanguine of the success of these negotiations, which will supersede the necessity of our making arrangements to meet the drafts of the Treasurer here, and will be a more convenient mode of payment for us.

Very respectfully, your obedient servant,

A. P. MERRILL, *Cashier.*

Hon. LEVI WOODBURY,  
*Secretary of the Treasury.*

D 4.

*Notice.*<sup>1</sup>

The money bequeathed by the late James Smithson, esq., of London, for founding an institute in the city of Washington, amounting to about half a million of dollars, will, it is expected, be received during the present month. By an act passed July 7, 1838, the undersigned is directed to invest the same "in stocks of States bearing interest at the rate of not less than five per cent per annum." He is now prepared to receive proposals from persons who have stocks of this description to dispose of.

LEVI WOODBURY, *Secretary of the Treasury.*

TREASURY DEPARTMENT, *August 6, 1838.*

D 5.

NEW YORK, *August 8, 1838.*

DEAR SIR: We discover, by an official notice from the Treasury Department of the 6th instant, that you are directed by an act of Congress, passed July 7, 1838, to invest the money bequeathed by the late James Smithson, of London, for founding an institute in the city of Washington, in the stocks of States bearing interest at the rate of not less than five per cent per annum, and that you are now prepared to receive proposals from persons having stocks of this description to dispose of.

We take the liberty to inform you that, by virtue of the act of the legislature of the State of Mississippi incorporating the "Mississippi Union Bank," we are charged with the disposal of five millions of the bonds of the State, bearing interest at the rate of five per cent per annum, and payable in twelve and twenty years, and at such place or places as we may designate. And we have now the honor to submit for your consideration a proposition for the sale of an amount of five hundred thousand dollars of those bonds, payable at any place in the United States or in England you may designate, and extinguishable in twelve or twenty years.

We shall await in this city your answer to this communication.

With considerations of high respect, your most obedient servants,

EDWARD C. WILKINSON.

J. WILKINS.

Hon. LEVI WOODBURY.

D 6.

NEW YORK, *August 8, 1838.*

SIR: Noticing the advertisement of the 6th instant for offers of State stocks for the investment of money bequeathed by the late James Smithson, we beg leave to offer sixty thousand dollars Indiana five-per-cent State stock, with the privilege, on receipt of the Secretary's reply, of making the amount one hundred thousand dollars, at par, the stock to be delivered, at our option, on or before the 1st November next.

Respectfully, your obedient servants,

OGDEN, FERGUSON & Co.

Hon. LEVI WOODBURY,

*Secretary of the Treasury, Washington.*

D 7.

PHILADELPHIA, *August 8, 1838.*

SIR: I have observed your notice inviting proposals for the sale of State stocks.

I have in my possession \$76,250 of the bonds of the State of Tennessee, 5½ per cents, redeemable in 1862 and 1863; the interest payable semiannually, at any point in the United States you may desire, and guaranteed by the Planters' Bank of Tennessee.

They are the same which I had the honor by letter, some time since, from Nashville, to propose to sell you; and again, recently, in person at Washington.

I am desirous of obtaining par for them, if possible, as they cost that; but having determined to resume specie payments shortly, and being very desirous of liquidating

<sup>1</sup> Published in the Globe newspaper.

the debt due to the Government, renders it necessary to dispose of them, even if we have to submit to a loss. I therefore propose to sell you the above bonds at 99½.

I shall esteem it a great favor if you will inform me (directed to this city) when your decision will be made known. My object in making the request is, that I am desirous of returning to Tennessee as soon as possible, and this is the only business that detains me. If you could consistently take these bonds from me immediately, at a price that would be satisfactory to you, it would do me a great favor, and I would bring them to you immediately.

I have the honor to be, very respectfully, your obedient servant,

M. WATSON,

*President of the Planters' Bank of Tennessee.*

Hon. LEVI WOODBURY.

D 8.

NEW YORK, *August 8, 1838.*

SIR: We will sell any part of \$200,000 Michigan six per cent stock, interest and principal payable here, at par. The interest since the 1st of July to be included. This stock has about twenty years to run, and is in bonds of \$1,000 each.

Your obedient servants,

JOHN WARD & Co.

Hon. LEVI WOODBURY,

*Secretary of the Treasury.*

D 9.

PETERSBURG R. R. Co. OFFICE, *August 8, 1838.*

SIR: I have observed in the Globe of the 6th instant your notice of that date relating to an investment "of the money bequeathed by the late James Smithson, esq., of London, in State stocks, bearing interest at the rate of not less than five per cent per annum."

I beg leave to state that the Petersburg Railroad Company, which I represent, holds one hundred and fifty thousand dollars (\$150,000) of stock of the State of Virginia, which bears an interest of five per cent per annum, payable semiannually, in specie or its equivalent, and issued under the authority of the act of the general assembly of Virginia (herein enclosed), which they are willing to sell, and for which they will take par.

As we are anxious to dispose of this stock soon, either in this country or in Europe, your early decision will oblige us.

With great respect, sir, your friend and servant,

CHARLES F. OSBORNE.

Hon. LEVI WOODBURY,

*Secretary of the Treasury.*

D 10.

BANK OF VIRGINIA, *August 8, 1838.*

SIR: Observing your "notice" in the Globe, inviting proposals from persons who have State stocks to dispose of, I now offer you one hundred and fifty thousand dollars of the stock of the Commonwealth of Virginia, bearing six per cent interest, payable at the treasury of Virginia semiannually (1st July and January), in specie or its equivalent. The stock has twenty years to run from the 23d February last. I will take \$105 for every hundred dollars of stock; the interest accruing from the 1st of July to the date of transfer to be allowed by the purchaser.

I have the honor to be, sir, yours, very respectfully,

JOHN BROCKENBROUGH.

Hon. LEVI WOODBURY.

D 11.

NEW YORK, *August 8, 1838.*

DEAR SIR: We noticed your request for the proposal of sale of State stocks bearing 5 per cent interest. We renew our offer to sell \$105,000 of Louisiana State bonds,

interest payable semiannually, 1st January and July, at the Mechanics' Bank, New York. These bonds are in London. We will sell them at \$98 for \$100, you to allow the interest that may accrue on the day of delivery. They will be received here in 60 days.

We wish to be favored with an answer, that we may write to London by the steamer Great Western. You have been furnished by us with the law, &c.

Very respectfully,

S. & M. ALLEN.

Hon. LEVI WOODBURY,  
*Secretary of the Treasury.*

D 12.

SECOND AUDITOR'S OFFICE,  
*Richmond, August 9, 1838.*

SIR: The attention of the board of public works of Virginia having been attracted to your notice respecting the investment of the money received for the Smithsonian legacy, inserted in to-day's papers of this city, I have been instructed to make the following proposals in their behalf:

1. They will give five per cent stock of the Commonwealth of Virginia, at par, for the whole amount of the legacy, provided it does not much exceed half a million of dollars; or,

2. They will give for part of said legacy two hundred and fifty thousand dollars (\$250,000) of six per cent. stock, at the rate of one hundred dollars in stock for one hundred and five dollars in money.

The interest on the stock will be paid semiannually at the treasury of the Commonwealth. It is irredeemable for twenty years, and redeemable afterwards at the pleasure of the general assembly; and the pledges and securities for the payment of the interest, and the ultimate redemption of the principal, are of the most ample character.

Should you desire more specific information, it will be promptly furnished.

I have the honor to be, sir, your obedient servant,

J. BROWN, Jr., *Second Auditor.*

Hon. LEVI WOODBURY,  
*Secretary of the Treasury.*

D 13.

PORTSMOUTH, VIRGINIA, *August 9, 1838.*

SIR: I have at my disposal seventy-three thousand dollars of five per cent Virginia State stock, irredeemable for twenty years from the 18th June, 1838, and afterwards to be redeemed at the pleasure of the general assembly of Virginia. The interest payable at the treasury of the State on the 1st January and July in each year. I offer it (or any portion of it) to you at par. An early answer is desired.

Respectfully, &c.,

WM. H. WILSON.

Hon. LEVI WOODBURY,  
*Secretary of the Treasury.*

D 14.

FARMERS' BANK OF VIRGINIA,  
*Richmond, August 9, 1838.*

SIR: I observe by your public notice that you are prepared to receive proposals, under the act of the 7th July, authorizing the investment of the money bequeathed by James Smithson, esq., "in stocks of the States bearing an interest at the rate of not less than five per cent per annum."

I have the honor to propose to your acceptance, under the act, one hundred and fifty thousand dollars of the stock of the Commonwealth of Virginia, bearing an interest of five per cent, payable semiannually, and the principal redeemable at the end of twenty years from the 18th June last. This I offer at par.

Should the number of proposals, or other reasons, lead you to decline taking the whole of the stock, then such portion of it as you may be willing to take is offered to your acceptance.

Begging to be apprized of your decision, I have the honor to be your obedient servant, &c.

WM. H. MACFARLAND, *President.*

HON. LEVI WOODBURY,  
*Secretary of the Treasury.*

D 15.

NEW YORK, *August 9, 1838.*

DEAR SIR: We observe that you advertise for proposals for State stocks to invest the Smithsonian fund in. We are unable to determine whether the matter will be open for negotiation, or whether you will accept the best offer made under seal. We hold one hundred and seventy thousand dollars five per cent stock of a northern State, which we would like to propose or negotiate for; or, if within the limits of the law directing the disposal of the fund, we would pay interest for the money, and give the stock as collateral.

If your time will permit, we shall feel obliged by an explanation on these points; and will become applicants for one hundred and seventy thousand dollars of the fund, in the way we think will be most satisfactory to the Government.

Respectfully, your obedient servants,

PARKER & CO.

HON. LEVI WOODBURY, *Washington, D. C.*

D 16.

ALBANY, *August 9, 1838.*

SIR: I will let you have \$33,000 New York State five per cent stock, redeemable in 1855, at two per cent premium, and interest from the last dividend—say 1st July. The last five per cent stock issued by this State was sold at public auction, in the city of New York, about forty days since, and the highest price bid was one per cent and  $\frac{60}{100}$ . Since which I have sold in New York fifty thousand dollars of the same stock offered to you at two per cent advance, being precisely what I offer it to you for.

Allow me to request an early answer, as I am unwilling, by locking up the stock, to forego the chance of doing as well, or better, should an opportunity present.

I have the honor to be, your obedient servant,

THOS. W. OLCOTT.

HON. LEVI WOODBURY,  
*Secretary of the Treasury.*

D 17.

AUGUST 9, 1838.

SIR: In the Washington Globe, of date 6th instant, I notice an official invitation to the holders of State stock to make an offer of sale, for the investment of the funds obtained under the Smithsonian bequest. I have one hundred thousand dollars of Indiana internal improvement State stock, payable twenty-five years from 1st July, 1838, bearing an interest of five per cent, payable semiannually in the city of New York, which I offer to the Department at 98 cents on the 100 cents of the principal. Your reply, should the offer be accepted, addressed to No. 15 Wall street, New York, will be promptly attended to.

Should references be required, I am personally known to the President.

Your obedient servant,

SIMEON B. JEWITT.

HON. LEVI WOODBURY,  
*Secretary of the Treasury.*

D 18.

LOUISVILLE, *August 13, 1838.*

SIR: I have this moment seen, over your official signature, a notice to the public stating that you are ready to receive propositions relative to the investment in State stocks of the fund (say half a million) bequeathed by James Smithson, esq., for the purpose of founding an institute in the city of Washington, which fund you are authorized to dispose of in this way by act of July 7, 1838.

Application is hereby made, in behalf of the Mississippi Union Bank, for a loan or purchase of the whole amount of this fund when in your hands for disposal. The bank offers, as security or equivalent, the bonds of the State of Mississippi, bearing interest at the rate of 5 per cent per annum—interest and principal made payable at such places as may suit the convenience of the purchaser—which bonds she holds to the amount of \$15,000,000, with ample power to negotiate and sell the same as prescribed in the first section of the original act incorporating said institution, by the directors of the bank themselves, or as expressed in the 9th section of the supplemental act thereto appended, by the agency of commissioners appointed for that purpose.

For the nature of the security, the general terms of the negotiation, the form and condition of the bonds, &c., you are respectfully referred to the 4th, 5th, 6th, 7th, 8th, and 9th sections of the original act above referred to, a copy of which, with the supplement, is herewith transmitted for your inspection.

This letter is not official from the bank, as the board of directors have not been in session since the publication of your notice, and consequently could have no action upon the subject. It will be recognized, however, as such by the board at their first regular meeting (the 10th of September next), when a copy of it will be laid before them.

For any information which may be required, should there be a prospect of effecting this negotiation, please address president and directors, or Hon. H. G. Runnels, president of the Mississippi Union Bank, at Jackson, Mississippi; and, if necessary, an agent will be immediately appointed by the bank who will see you in person, on the subject of the negotiation, at Washington. The acknowledgment of the receipt of this communication, directed as above so as to meet the board of directors of the bank by the 10th of September next, will confer a favor on them, and oblige,

Very respectfully and truly, your obedient servant,

JOHN J. McRAE,

*Member of Board of Directors of Mississippi Union Bank.*

HON. LEVI WOODBURY,

*Secretary of the Treasury.*

D 19.

EASTERN BANK, *Bangor, Maine, August 13, 1838.*

DEAR SIR: I have noticed a paragraph in the public papers of the day upon the subject of the Smithsonian bequest where, after alluding to the act of Congress directing the Secretary of the Treasury to invest the same "in stocks of States bearing interest at the rate of not less than 5 per cent per annum," it is stated that you are now prepared to receive proposals from persons who have stocks of this description to dispose of.

I am directed to say to you that this bank has a Maine State scrip, issued agreeably to law, dated March 23, 1838, for the sum of \$4,500, payable in five years from date, with interest annually at the rate of 5 per centum, which we offer for your consideration.

Very respectfully, your obedient servant,

W. H. MILLS, *Cashier.*

HON. LEVI WOODBURY,

*Secretary of the Treasury.*

D 20.

EASTERN RAILROAD OFFICE,  
*Boston, August 14, 1838.*

SIR: I notice your advertisement of the 6th instant for proposals for the purchase of State stocks, and beg leave to offer you \$100,000 of Massachusetts State scrip, payable twenty years from 1st September next, bearing interest at the rate of 5 per cent, payable semiannually.

We are just advised of a large sale of the scrip of this State in London, at a premium of 4 per cent; at which rate I am authorized to sell the \$100,000 now offered to you.

The last issue of scrip which I received for same amount of the Commonwealth, I sold all at 5 per cent. If the rate named should be at a greater premium than you can purchase at, I shall be happy to receive an offer, which I will communicate to the directors of this company.

I am, sir, very respectfully, yours,

B. T. REED, *Treasurer.*

SECRETARY OF THE TREASURY.

D 21.

BANK OF KENTUCKY,  
*Louisville, August 14, 1838.*

SIR: I take the earliest opportunity of acknowledging the receipt of yours of the 4th instant.

Having already made such arrangements as will reduce the debt to you from this institution to \$300,000, I am willing to give that amount of the bonds held by you at par. Should this arrangement satisfy you, please advise me as early as possible.

Your obedient servant,

W. H. POPE, *President.*

HON. L. WOODBURY,  
*Secretary of the Treasury.*

D 22.

STATE BANK OF INDIANA,  
*August 14, 1838.*

SIR: For the purpose of a prompt adjustment of the balance due to the United States on account of public deposits, I take an early occasion to comply with the authority given me by the directors of this institution; and therefore propose that such balance due from this institution, on account of public deposits to the United States not otherwise arranged for, shall be forthwith paid by this institution in the bonds of the State of Indiana, bearing 5 per centum interest, and payable, both principal and interest, at a bank in the city of New York—the principal at the expiration of 30 years, and the interest semiannually. This proposal is intended to include, also, the future installments of our deposit debt.

An early answer is requested, and it is trusted that this mode of your realizing these means and of adjusting an unsettled account may be approved.

I am, respectfully, your obedient servant,

S. MERRILL

HON. LEVI WOODBURY,  
*Secretary of the Treasury.*

D 23.

WASHINGTON, *August 14, 1838.*

SIR: For one hundred and fifty thousand dollars of the Smithsonian legacy, advertised for investment in State stock, I offer one hundred and fifty bonds of Virginia State scrip, of \$1,000 each, bearing an interest of 5 per centum, payable semiannually, and redeemable in twenty years. By an act of the Virginia legislature, passed last April, the board of public works are authorized to pay the interest on

this loan in specie or its equivalent. A decision is expected at an early day, and any information previously desired will be furnished promptly by,

Very respectfully, your obedient servant,

JOHN BRUCE,

*President Winchester and Potomac Railroad Co., Winchester, Va.*

HON. LEVI WOODBURY,

*Secretary of the Treasury.*

D 24.

NEW YORK, *August 14, 1838.*

SIR: In accordance with the proposal made by you for State stocks, we offer you two hundred and fifty thousand dollars of bonds of the State of Illinois, payable in 1860, bearing interest at the rate of 6 per cent per annum, payable semiannually, in July and January, at the bank of the United States in Philadelphia, or at their agency in New York, at the option of the holder—at one hundred and four dollars for every hundred dollars of stock; the interest which shall have accrued from the 1st of July last to be paid to us.

We are, very respectfully, yours,

NEVINS, TOWNSEND & Co.

HON. LEVI WOODBURY,

*Secretary of the Treasury.*

D 25.

NEW YORK, *August 15, 1838.*

DEAR SIR: We have yours of the 13th before us. The stocks we hold are the bonds of the State of Maine, payable in 1848, bearing an interest of 5 per cent per annum, payable in Boston, annually. They are worth par here, for the purpose of investing in banking, under the general law; but if we could have an answer at once, we will sell \$170,000 at 98½ per cent. This is three per cent below the market price of the bonds of the States of New York and Pennsylvania, which are only preferable to Maine as a remittance to Europe.

The financial condition of Maine is equal to any State in the Union; her whole indebtedness is but \$554,000, and the banks are all obliged to loan the State 10 per cent of their capital, at 5 per cent per annum. We can not hold ourselves bound for any given time to sell the bonds at this rate, but will accept it, if not otherwise disposed of, on receipt of answer. We know it to be a better investment than can be made in the bonds of any State, especially such as are indebted to such an extent as to make the prompt payment of interest and principal a matter of some doubt.

Respectfully, your obedient servants,

PARKER & Co.

McCLINTOCK YOUNG, Esq.,

*Acting Secretary of the Treasury, Washington.*

D 26.

PETERSBURG RAILROAD OFFICE, *August 18, 1838.*

SIR: On the 8th instant I had the honor to address you, offering you \$150,000 of Virginia 6 per cent stock, at par. Since then I learn that my friend Wm. H. Macfarland, president of the Farmers' Bank of Virginia, had submitted a similar proposal to you. His proposal and mine are for the same stock. Therefore, you will serve both of us by accepting either his or my proposition.

Begging your favorable consideration,

I remain, sir, with great respect, your humble servant,

CHARLES F. OSBORNE.

HON. LEVI WOODBURY,

*Secretary of the Treasury.*

H. Doc. 732—17

D 27.

NEW YORK, *August 18, 1838.*

DEAR SIR: We have the honor to acknowledge the receipt of yours of the 13th instant, and in reply have to inform you that, owing to its delay in reaching us, a negotiation for the whole amount of the Mississippi bonds had been previously set on foot.

We are therefore under the necessity of asking permission to withdraw our proposition.

Very respectfully, your obedient servants,

E. C. WILKINSON,  
J. C. WILKINS,  
By E. C. WILKINSON.

Mr. McCLINTOCK YOUNG,  
*Acting Secretary of the Treasury.*

D 28.

NEW YORK, *August 20, 1838.*

SIR: The fund commissioners of Indiana will furnish Indiana 5 per cent bonds, having 24 to 25 years to run from 1st July last, interest payable semiannually in New York at par, to the amount of from one to five hundred thousand dollars, and will receive therefor either cash or the bonds of the State Bank of Indiana.

I would inquire when I may learn whether our proposition is accepted.

For the fund commissioners of Indiana,

ISAAC COE, *Fund Commissioner.*

Hon. LEVI WOODBURY,  
*Secretary of the Treasury.*

D 29.

THE BANK OF THE STATE OF MISSOURI,

*St. Louis, August 23, 1838.*

DEAR SIR: I have lately seen your advertisement for proposals for the investment of the Smithsonian legacy in State bonds, &c.

I should be pleased to sell \$114,000 of Missouri State bonds at 5½ per cent interest, payable semiannually in the city of New York, and the principal redeemable twenty-five years after negotiation.

These bonds have been sent to London for sale, but can be withdrawn at any time if not sold. I would therefore propose to sell them to you at 2 per cent premium, subject to the sale in London. If not sold upon the arrival of the order in London for returning them to the United States, the sale will take effect and the bonds be returned without delay and delivered to you.

I have the honor to remain, your obedient servant,

JOHN SMITH, *President.*

Hon. LEVI WOODBURY,  
*Secretary of the Treasury, Washington City.*

D 30.

TREASURY DEPARTMENT, *August 23, 1838.*

SIR: Referring to your offer to sell to the Department \$500,000 of 6 per cent Arkansas State bonds at 99⅞ per cent, I have to request that you will submit for my examination the law of the State authorizing the issue of the bonds and the form of the bonds. If both be satisfactory, I am willing, on the arrival of the money, to take the net amount (which will not be far from half a million of dollars) at the rate offered by you, as it is the lowest bid.

It is expected that the money may be by this time in New York.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,  
*Secretary of the Treasury.*

W. W. CORCORAN, Esq.

[Enclosure.]

This writing is given to show that the interest due on the bonds of the State of Arkansas at this date, bought by me of Wm. Corcoran, esq., belongs to said Corcoran when the same is paid to me.

LEVI WOODBURY,  
*Secretary of the Treasury.*

TREASURY DEPARTMENT, *September 4, 1838.*

D 31.

BALTIMORE, *August 29, 1838.*

SIR: Under your notice of the 6th inst., we now propose to furnish you with the amount of stock required for vesting the Smithsonian bequest—say “about half a million of dollars”—in Indiana State stock at 1 per cent under the par value, or at the rate of ninety-nine for every one hundred dollars.

This stock bears an interest of 5 per cent per annum, and is payable semiannually at the Merchants' Bank, in the city of New York.

If this offer be accepted, the certificates of stock or bonds which are now in Europe will be delivered at the earliest period—say in about fifty days, or sooner if practicable, payment to be made us upon the delivery of the bonds.

We have the honor to remain, with the highest respect, your obedient servants,  
J. I. COHEN & BROTHERS.

HON. LEVI WOODBURY,  
*Secretary of the Treasury of the U. S.*

D 32.

THE BANK OF THE STATE OF MISSOURI,  
*St. Louis, August 31, 1838.*

DEAR SIR: I have the honor to refer you to my letter of the 23d inst., and beg leave now to modify the proposition therein for the sale to you of \$114,000 Missouri State 5½ per cent bonds.

Instead of 2 per cent premium I would agree to sell them at par, payable in the city of New York, subject to the restrictions and conditions contained in my letter above referred to.

I have the honor to remain, your obedient servant,  
JOHN SMITH, *President.*

HON. LEVI WOODBURY,  
*Secretary of the Treasury, Washington City.*

D 33.

SMYRNA, *September 10, 1838.*

DEAR SIR: I saw in the Globe your advertising for stocks bearing interest not less than 5 per cent. I have a certificate of stock on the borough of Wilmington, Delaware, for one thousand dollars, bearing interest at the rate of 5 per cent, which I will sell you at par. There can not be any safer investment. Please let me hear from you.

Respectfully,

JNO. S. LAMB DEN.

HON. LEVI WOODBURY.

D 34.

TREASURY DEPARTMENT, *December 30, 1839.*

SIR: In a few days I expect to have twenty thousand dollars to invest in State stocks on account of the Smithsonian bequest. If you have such that you wish to dispose of, be pleased to inform me of the terms, &c.

I am, &c.,

L. WOODBURY, *Secretary of the Treasury.*

HON. J. K. PAULDING,  
*Secretary of the Navy.*

D 35.

TREASURY DEPARTMENT, *December 27, 1839.*

SIR: Early next month I shall have twenty thousand dollars to invest in State stocks on account of the Smithsonian bequest. Be pleased to inform me, if you have such for sale, the time they have to run, the interest they bear, &c., and the lowest terms you can furnish them.

I am, &c.,

L. WOODBURY,  
*Secretary of the Treasury.*

CHARLES J. NOURSE, Esq.,  
*Washington City, D. C.*

[Copies were sent to Hon. F. Thomas, president of the Chesapeake and Ohio Canal Company; to W. W. Corcoran, Washington, D. C.; to J. D. Beers, esq., New York City; and to Joseph White, esq., Baltimore, Md.]

D 36.

NAVY DEPARTMENT, *December 31, 1839.*

SIR: I have the honor to acknowledge the receipt of your letter of the 30th instant.

In reply, I have to state that I can not ascertain whether I shall have any State stocks to dispose of until to-morrow, when I will communicate with you upon the subject.

I am, respectfully, your obedient servant,

J. K. PAULDING.

Hon. LEVI WOODBURY,  
*Secretary of the Treasury.*

D 37.

WASHINGTON CITY, *January 15, 1840.*

DEAR SIR: In reply to your favor of the 27th ultimo, I have to offer you six per cent stocks of the following States, viz: Michigan, Arkansas, and Illinois, at 84½ per cent; also, five per cent stock of the State of Indiana, at 75 per cent—the interest on all the above payable in New York semiannually; or I will sell six per cents at one-quarter per cent less than any offer you may have.

Respectfully, your obedient servant,

W. W. CORCORAN.

Hon. LEVI WOODBURY,  
*Secretary of the Treasury.*

D 38.

WASHINGTON, *January 6, 1840.*

SIR: I have the honor to acknowledge the receipt of your communication on the subject of a tender of State stocks to the Department; and to offer to you the amount you mention as ready for investment in Ohio sixes, redeemable in 1854, at 88½—interest payable in New York; Illinois Canal sixes, redeemable in 1870, at 75 and 72½.

Very respectfully, your obedient servant,

CHARLES J. NOURSE.

Hon. LEVI WOODBURY,  
*Secretary of the Treasury.*

JANUARY 18, 1840.

DEAR SIR: Since I left you, a gentleman has handed me a letter, which requires that the offer of Illinois sixes should be fixed at 75—the rate first proposed.

I will call at 12 o'clock.

Yours, &c.,

CHARLES J. NOURSE.

McC. YOUNG, Esq.

D 39.

NEW YORK, *January 2, 1840.*

SIR: I thank you for your letter of the 27th ult. I have State stocks which I will offer you for the investment you wish to make, and I write to Mr. Corcoran to hand in the offer.

I am, respectfully, your obedient servant,

J. D. BEERS.

Hon. LEVI WOODBURY,

*Secretary of the Treasury.*

D 40.

TREASURY DEPARTMENT, *July 24, 1840.*

GENTLEMEN: Congress having adjourned without enacting any further provision respecting the Smithsonian fund, and there being in the Treasury about \$15,000 belonging to that fund, which it is the duty of this Department to invest in State stocks, should you have any to dispose of, I will thank you to inform me of the description and lowest price.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,  
*Secretary of the Treasury.*

Messrs. CORCORAN & RIGGS, *Present.*

[Letters of the same tenor and date as above were addressed to the following persons, viz: Messrs. Prime, Ward & King, of New York; J. D. Beers, esq., of New York, and C. Macalester, of Philadelphia.]

D 41.

WASHINGTON CITY, *July 28, 1840.*

SIR: We have the pleasure to offer you Illinois State 6 per cent bonds, interest payable half-yearly, in specie, in New York, at 79½ per cent.

Arkansas bonds we can sell lower.

Very respectfully, your obedient servants,

CORCORAN & RIGGS.

Hon. LEVI WOODBURY,

*Secretary of the Treasury.*

D 42.

NEW YORK, *July 27, 1840.*

SIR: In answer to your respected letter of the 26th instant, we beg to state that we will sell \$15,000 value, in Kentucky bonds due in 1868—each \$1,000—bearing interest from date of sale at 5 per cent, payable half-yearly in this city, and the price to be 88 per cent; or in New York State 5 per cent stock, due in 1858, interest at 5 per cent from 16th ins., payable quarterly in this city, and the price to be 93 per cent.

But in order to make this offer binding on our part we must ask the favor of your reply accepting it on or before the 1st of August next.

We remain, sir, respectfully, your obedient servants,

PRIME, WARD & KING.

Hon. LEVI WOODBURY,

*Secretary of the Treasury.*

D 43.

WASHINGTON, *August 10, 1840.*

SIR: I have the honor to tender \$20,000, Illinois 6 per cent bonds, at 87 per cent; interest from the 1st of July last.

Respectfully yours,

CHARLES J. NOURSE.

Hon. LEVI WOODBURY,

*Secretary of the Treasury.*

D 44.

NORTH AMERICAN TRUST AND BANKING COMPANY,  
No. 47 Wall Street, New York, July 28, 1840.

SIR: In answer to your letter of the 24th instant, I have to state that this institution will sell to the Department a sufficient amount of the six per cent State stock of Arkansas, at the rate of 70 per cent, to enable you to invest the \$15,000 in the Treasury belonging to the Smithsonian fund.

I am, sir, very respectfully, yours,

J. D. BEERS, *President.*

Hon. LEVI WOODBURY,  
*Secretary of the Treasury.*

D 45.

PHILADELPHIA, July 28, 1840.

SIR: I have the honor to acknowledge the receipt of your letter of the 24th inst., in answer to which I have to state that the only State stock I have on hand are Pennsylvania 5 per cents, which I hold at 95, redeemable in 1865, and some Kentucky 6 per cents, redeemable in about six years, bearing interest at 6 per cent, principal and interest payable in Kentucky, which I would sell at 87 per cent.

I have the honor to be, very respectfully,

C. MACALESTER.

Hon. LEVI WOODBURY,  
*Secretary of the Treasury.*

D 46.

TREASURY DEPARTMENT, January 18, 1841.

SIR: Having about \$20,000 to invest for the Smithsonian fund, I request you to inform me if you have any State stocks to dispose of, the amount you have for sale if less than that, the rate of interest they bear and where payable, the State by which issued, and the price you demand.

Very respectfully, your obedient servant,

LEVI WOODBURY,  
*Secretary of the Treasury.*

CHARLES MACALESTER, Esq., *Philadelphia.*

Similar letters sent to Messrs. Corcoran & Riggs, Washington; Mr. Charles J. Nourse, Washington; Mr. J. D. Beers, New York; Mr. B. S. Reed, Boston.

D 47.

NEW YORK, January 21, 1841.

SIR: I have duly received your favor informing me that you have \$20,000 to invest in State bonds. I therefore propose to supply you with Arkansas State bonds, such as heretofore sold you, at 80 per cent. The last sale here of Arkansas bonds by the comptroller of this State was on the 2d inst., at 79 and 80. If this is the best offer I presume you will receive them of me, and I will thank you not to let any know of my offer unless it is accepted.

I am, respectfully, your obedient servant,

J. D. BEERS.

Hon. LEVI WOODBURY,  
*Secretary of the Treasury.*

D 48.

PHILADELPHIA, January 22, 1841.

SIR: I have your letter of the 18th, in answer to which I have the honor to state that I have for sale the sum you require of the following stocks:

Pennsylvania State fives, redeemable in 1870; price, \$89 for each \$100, payable at Philadelphia; interest payable 1st of August.

Ohio State sixes, redeemable in 1860; price, \$97.50 for each \$100, payable at New York; interest payable January 1 and July 1.

Kentucky State sixes, redeemable in 1868; price, \$95 for each \$100, payable at New York; interest payable January 1 and July 1.

Kentucky State sixes, redeemable in 1846; price, \$85 for each \$100, payable at Frankfort, Kentucky; interest payable April and October.

I am, very respectfully, your obedient servant,

C. MACALESTER.

Hon. LEVI WOODBURY,  
*Secretary of the Treasury.*

P. S.—The book for the transfer of the Pennsylvania loan being closed, these loans are now sold with the interest due 1st of February off.

D 49.

EASTERN RAILROAD OFFICE,  
*Boston, January 22, 1841.*

SIR: Your favor of the 18th instant is before me. I have sold all the Massachusetts State stock which I recently had, and closed it at 99½.

But a friend has of Massachusetts State stock, payable in 18 years, \$20,000, drawing interest at 5½ per annum, payable semiannually, which I can furnish at 99 per cent; and of New York State stock, payable in about twenty years, \$20,000, drawing interest at 5½ per cent per annum, payable quarterly, at 98½ per cent.

New York City stock, payable in about 25 years, drawing interest at 5 per cent per annum, payable quarterly, at 96½ per cent.

I am, sir, respectfully,

B. T. REED.

SECRETARY OF THE TREASURY.

D 50.

WASHINGTON CITY, *January 30, 1841.*

DEAR SIR: In reply to your favor of the 18th instant, we have to offer you six per cent stocks of the States of Illinois or Michigan, interest payable half-yearly in New York, at eighty per cent, or one-half per cent below any offer you may have.

Respectfully, your obedient servants,

CORCORAN & RIGGS.

Hon. LEVI WOODBURY,  
*Secretary of the Treasury.*

D 51.

TREASURY DEPARTMENT, *January 30, 1841.*

GENTLEMEN: Your offer of the Illinois bonds for the Smithsonian fund is accepted at 79½. There was an offer of other stock at 80.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,  
*Secretary of the Treasury.*

Messrs. CORCORAN & RIGGS,  
*Washington City.*

D 52.

TREASURY DEPARTMENT, *July 8, 1841.*

SIR: There is at this time in the Treasury a balance of \$18,271.86 belonging to the Smithsonian fund, which I am required by law to invest in State stocks.

If you have Massachusetts, Ohio, or New York State stocks to dispose of, I will thank you to propose the amount of either you are willing to deliver to this Department for that balance.

I am, very respectfully, your obedient servant,

THOMAS EWING,  
*Secretary of the Treasury.*

C. J. NOURSE, Esq., *Present.*

[Letters of the same tenor and date as above were addressed to the following persons, viz: Messrs. Corcoran & Riggs, of Washington; Messrs. J. E. Thayer & Brother, of Boston; and Messrs. Nevins, Townsend & Co., of New York.]

D 53.

WASHINGTON, *July 14, 1841.*

SIR: I will furnish the amount wanted for the Smithsonian fund in Ohio sixes at 94½; New York fives at 86½.

The rate of Massachusetts I will send you in a day or two.

Yours, respectfully,

CHAS. J. NOURSE.

Hon. THOS. EWING.

D 54.

WASHINGTON, *July 18, 1841.*

I can furnish Ohio sixes for the Smithsonian investment at 94½, instead of 94½, as tendered previously.

The Ohio sixes redeemable 1865.

Respectfully,

CHAS. J. NOURSE.

Hon. T. EWING.

D 55.

NEW YORK, *July 10, 1841.*

DEAR SIR: We are in receipt of your favor of the 8th instant. We will deliver to your order \$19,969.25 New York 5½ per cent stock, redeemable in 1861—or \$19,233.53 Ohio six per cent stock, redeemable in 1860—for the sum of \$18,271.86, if apprized of your acceptance of the offer by Thursday morning.

We are, with great respect, your obedient servants,

NEVINS, TOWNSEND &amp; Co.

Hon. T. EWING,

*Secretary of the Treasury.*

D 56.

BOSTON, *July 13, 1841.*

SIR: Your favor of the 8th is received. We can furnish you Massachusetts five per cent stock at one-half per cent advance, or New York State stock, five per cent, at 85½ per cent. As the bonds are issued in sums of one thousand dollars, we could not furnish the precise amount which you mention. There is none of the Ohio stock held in our market.

Very respectfully, your obedient servants,

J. E. THAYER &amp; BROTHER.

Hon. THOMAS EWING,

*Secretary of the Treasury, Washington.*

D 57.

NEW YORK, *July 16, 1841.*

DEAR SIR: I have felt some doubt as to making you a more favorable offer for the \$18,271.86 belonging to the Smithsonian fund than the offer you already have, but have concluded to offer you \$19,250 Ohio State stock, interest from 1st of July instant.

Should you think proper to accept this offer, and forward to me, or to J. N. Perkins, cashier, a draft for the money, the stock certificate will be immediately issued thereon, in such name as you may direct.

Very respectfully, &c.,

ALFRED KELLY,  
*Commissioner Ohio Canal Fund.*

Hon. THOMAS EWING,

*Secretary of the Treasury, Washington City.*

D 58.

WASHINGTON CITY, *July 17, 1841.*

SIR: In reply to your favor of the 8th instant, we have the pleasure to offer Ohio six per cent stock, to the extent wanted, at 94 per cent.

Respectfully, your obedient servants,

CORCORAN &amp; RIGGS.

Hon. THOMAS EWING,

*Secretary of the Treasury, Washington City.*

D 59.

TREASURY DEPARTMENT, *July 13, 1841.*

GENTLEMEN: I have received your letter of the 10th, with the offer of New York 5½ per cent and Ohio 6 per cent stock on account of the Smithsonian fund. Having applied to three or four others for tenders of similar stocks, from whom it is hardly time to expect replies, it will not be in my power to determine upon your proposition by the time limited by you. Shall it be regarded as a subsisting proposition until withdrawn; or, after Thursday, shall I decide without regard to your offer? Please inform me by return mail.

I am, &c.,

T. EWING,  
*Secretary of the Treasury.*

Messrs. NEVINS, TOWNSEND & Co., *New York.*

D 60.

NEW YORK, *July 15, 1841.*

DEAR SIR: We have your favor of the 13th instant. We will continue our offer until the 22d instant, modifying it as to the New York stock, of which we will furnish the exact sum of twenty thousand dollars for that of \$18,271.86.

Very respectfully, your obedient servants,

NEVINS, TOWNSEND & Co.

Hon. T. EWING,  
*Secretary of the Treasury.*

D 61.

TREASURY DEPARTMENT, *July 8, 1841.*

GENTLEMEN: There is now in the Treasury a balance of \$18,271.86 belonging to the Smithsonian fund, which I am required by law to invest in State stocks. I will thank you to inform me what amount of Massachusetts, New York, or Ohio State stock you are willing to deliver to this Department for that balance, to be paid at New York.

I am, very respectfully, your obedient servant,

THOMAS EWING,  
*Secretary of the Treasury.*

Messrs. PRIME, WARD & KING, *New York.*

D 62.

NEW YORK, *July 10, 1841.*

SIR: In answer to your communication of the 8th instant, we beg to state that we have no stocks of the kind which you designate to offer to you as an investment of the Smithsonian fund.

We remain, sir, respectfully yours,

PRIME, WARD & KING.

Hon. T. EWING, *Washington.*

D 63.

TREASURY DEPARTMENT, *July 20, 1841.*

GENTLEMEN: Your tender of Ohio 6 per cent stock, payable in New York, for the Smithsonian fund, at the rate of \$100 in stock for \$94 in cash, is accepted.

The amount to be invested, as mentioned in my letter of the 8th, may be diminished about \$1,000 by the nonpayment of some coupons. Of this I shall be able to inform you in the course of the day.

I am, very respectfully, your obedient servant,

THOMAS EWING,  
*Secretary of the Treasury.*

Messrs. CORCORAN & RIGGS.

*June 6, 1844—Senate.*

MR. BENJAMIN TAPPAN, from the Committee on the Library, reported bill S. 188, which was read and passed to a second reading:

A bill to establish the Smithsonian Institution, for the increase and diffusion of knowledge among men.

Whereas James Smithson, esquire, of London, in the Kingdom of Great Britain, by his last will and testament did give the whole of his property to the United States of America, to found at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men; and whereas Congress have heretofore received said property and accepted said trust: Therefore, that the same may be executed in good faith, and according to the will of the liberal and enlightened donor,

*Be it enacted, etc.,* That so much of the property of the said James Smithson as has been received in money and paid into the Treasury of the United States, being the sum of \$508,318, be loaned to the United States Treasury, at six per cent per annum interest, from the third day of December, in the year 1838, when the same was received into the said Treasury; and that so much of the interest as may have accrued on said sum on the first day of July next, which will amount to the sum of \$178,604, be, and the same is hereby, appropriated for the erection of suitable buildings, and the enclosing of suitable grounds for the Smithsonian Institution, established by this act; and that six per cent interest on the said trust fund, it being the said amount of \$508,318, received into the United States Treasury, third of December, 1838, payable, in half-yearly payments, on the first of January and July in each year, be, and the same is hereby, appropriated for the perpetual maintenance and support of said Institution.

SEC. 2. *And be it further enacted,* That the business of said Institution shall be conducted by a board of managers, to consist of twelve, no two of whom shall be citizens of the same State or Territory; that the persons first appointed on the board of managers shall meet in the city of Washington on the first Monday of September next after the passage of this act, and, when met, shall divide themselves, by lot, into three sections, one of which shall serve two years, one four, and the other six years; and whenever a vacancy occurs in said board the same shall be filled by such person as may be appointed by a joint resolution of Congress; that all those who may be appointed to fill vacancies occasioned by death, resignation, or removal out of the United States shall serve the residue of the term, and all those who may be appointed to fill vacancies which occur by lapse of time shall serve for the term of six years; that after said board shall have met and become organized by appointing one of their own body president of said board, it shall be their duty to proceed to select a suitable site for such building as may be, in their judgment, necessary for the Institution, and suitable ground, not exceeding ten acres, for horticultural and agricultural experiments, which ground may be taken and appropriated out of that part of the public ground in the city of Washington called the Mall; and the ground so selected shall be set out by proper metes and bounds, and a description of the same shall be made and recorded in a book to be provided for that purpose, and signed by said managers, or so many of them as may be convened on said first Monday of September; and such record, or a copy thereof, certified by the president of the board of managers, shall be received as evidence in all courts of the extent and boundaries of the lands appropriated to said Institution.

SEC. 3. *And be it further enacted,* That so soon as the board of managers shall have selected the site for the buildings of the Institution, they shall cause to be erected a suitable building, of plain and durable materials and structure, without unnecessary ornament, and of sufficient size and with suitable rooms for the reception and arrangement of objects of natural history, a library, a chemical laboratory, and lec-

ture room or rooms; and the said board shall have authority, by themselves or by a committee of three of their members, to contract for the completion of such building upon such plan as may be directed by the board of managers, and shall take sufficient security to the Treasurer of the United States for the building and finishing the same according to said plan and in the time stipulated in such contract: *Provided, however,* That the expense of said building shall not exceed the sum of \$80,000, which sum is hereby appropriated for that purpose out of any money in the Treasury not otherwise appropriated; and the board of managers shall also cause the grounds selected for horticultural and agricultural purposes to be enclosed and secured, and a suitable building erected to preserve such plants as will not bear exposure to the weather at all seasons; and the sum of \$20,000 is hereby appropriated for such building and enclosure, to be paid out of any moneys in the Treasury not otherwise appropriated; and so soon as it may be necessary for the accommodation of the persons employed in said Institution, the said board of managers may cause to be erected on the grounds of the Institution such dwelling houses and other buildings, of plain and substantial workmanship and materials, to be without unnecessary ornament, as may be wanted: *Provided, however,* That the whole expense of building and furnishing as many such houses as may be required shall not exceed the residue of said interest which will have accrued on the first day of July next; and for the said expenditure the said residue of said interest, amounting to the sum of \$78,604, is hereby appropriated, payable out of any moneys in the Treasury not otherwise appropriated; and all such contracts as may be made by said board of managers shall be deposited with the Treasurer of the United States; and all questions which may arise between the United States and any person claiming under and by virtue of any such contract shall be heard and determined by said board of managers, and such determination shall be final and conclusive upon all parties; and all claims on any contract made as aforesaid shall be allowed and certified by the board of managers, or a committee thereof, as the case may be, and being signed by the president of the board, shall be a sufficient voucher for settlement and payment at the Treasury of the United States.

SEC. 4. *And be it further enacted,* That so soon as buildings shall be erected for their reception, all objects of natural history belonging to the United States which may be in the city of Washington, in whosoever custody the same may be, shall be delivered to such persons as may be authorized by the board of managers to receive them, and shall be arranged by the professor of natural history in such order and so classed as best to facilitate the examination and study of them in the building so as aforesaid to be erected for the institution; and the managers of said institution shall afterwards, as new specimens in natural history may be obtained for the museum of the institution by exchanges of duplicate specimens belonging to the institution (which they are hereby authorized to make) or by donations which they may receive, cause such new specimens to be also appropriately classed and arranged. And the minerals, books, manuscripts, and other property of James Smithson, which have been received by the Government of the United States and are now placed in the Patent Office, shall be removed to said institution and shall be preserved separate and apart from the other property of the institution.

SEC. 5. *And be it further enacted,* That the managers of said institution shall appoint a superintendent, whose duty it shall be to take charge of the ground, buildings, and property belonging to the institution, and carefully preserve the same from injury; and such superintendent shall be the secretary of the board of managers and shall, under their direction, make a fair and accurate record of all their proceedings, to be preserved in said institution; and the said superintendent shall also discharge the duties of professor of agriculture and of horticulture in said institution, and in that capacity may, with the approbation of the board of managers, employ from time to time so many gardeners and other laborers as may be necessary to cultivate the ground

and keep in repair the buildings of said institution; and the superintendent shall receive for his services such sum as may be allowed by the board of managers, to be paid semiannually on the first day of January and July; and the said superintendent shall be removable by the board of managers whenever, in their judgment, the interest of the institution may require the superintendent to be changed.

SEC. 6. *And be it further enacted*, That at the first meeting of the board of managers they shall fix on the times for regular meetings of the board, and on application of any three of the managers to the superintendent of the institution it shall be his duty to appoint a time for a special meeting of the board, of which he shall give notice by letter to each of the members, and at any meeting of the board of managers seven shall constitute a quorum to do business; that each member of the board of managers shall be paid his necessary traveling and other expenses in attending meetings of the board, which shall be audited, allowed, and recorded by the superintendent of the institution. And whenever any person employed by the authority of the institution shall have performed service entitling him to compensation, whether the same shall be by way of salary payable semiannually or wages for labor, the superintendent shall certify to the president of the board that such compensation is due, whereupon the president shall certify the same to the proper officer of the Treasury Department for payment.

SEC. 7. *And be it further enacted*, That the board of managers may appoint some suitable person as professor of natural history, a professor of chemistry, and a professor of astronomy, with such other professors as the wants of science may require. They shall also employ able men to lecture in the Institution upon the arts and sciences, and shall fix the compensation of such professors and lecturers: *Provided*, That no professorship shall be established or lecturer employed to treat or lecture on law, physic, or divinity, it being the object of the Institution to furnish facilities for the acquisition of such branches of knowledge as are not taught in the various universities.

SEC. 8. *And be it further enacted*, That the board of managers shall make all needful rules, regulations, and by-laws for the government of the Institution and the persons employed therein. They shall direct and prescribe the experiments to be made by the professor of agriculture and horticulture to determine the utility and advantage of new modes and instruments of culture, to determine whether new fruits, plants, and vegetables may be cultivated to advantage in the United States, and they shall direct the distribution of all such fruits, plants, seeds, and vegetables as shall be found useful and adapted to any of our soils and climates, so that the people in every part of the Union may enjoy the benefit and advantage of the experiments made by the Institution. They shall also make rules and regulations for the admission of students in the various departments of the Institution and their conduct and deportment while they remain therein: *Provided*, That all instruction in said Institution shall be gratuitous to those students who conform to such rules and regulations.

SEC. 9. *And be it further enacted*, That ——— be appointed managers of the said Smithsonian Institution, to hold their offices as is hereinbefore provided.

*June 7, 1844—House.*

Mr. J. Q. ADAMS, from the select committee on the subject of the Smithsonian bequest, made a report thereon with a bill (H. 418):

The select committee, to whom was referred the letter of the Secretary of the Treasury of February 19 last, relating to the then state and condition of the funds bequeathed by James Smithson to the United States for the establishment of an institution for the increase and diffusion of knowledge among men, have attended to that duty, and

respectfully submit to the consideration of the House a bill to give immediate effective operation to the purposes of the testator in that bequest; and in explanation of the necessity and object of this bill, take leave to recall to the memory of this House the material circumstances of the acceptance of this bequest, of the reception of the funds bequeathed by the testator, and of the disposition of them hitherto made by Congress, and its present condition.

The existence of the bequest of James Smithson to the United States of America was communicated to Congress by a message from the President of the United States, of December 17, 1835; and by an act of Congress approved July 1, 1836, the bequest was accepted, and the President was authorized and enabled to assert and prosecute, with effect, the claim of the United States to the property thereby bequeathed, and then held in trust by the English court of chancery. The third section of this act is in the following words:

SEC. 3. *And be it further enacted*, That any and all sums of money, and other funds, which shall be received for or on account of the said legacy, shall be applied, in such manner as Congress may hereafter direct, to the purpose of founding and endowing at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men; to which application of the said moneys and other funds the faith of the United States is hereby pledged.

Under an authority conferred by this act the President of the United States appointed Richard Rush the agent to recover the property held in trust in the English court of chancery, a commission faithfully and successfully executed, and on the 1st of September, 1838, Mr. Rush deposited in the mint of the United States at Philadelphia, the sum in gold of \$580,318.46, which, together with sundry articles of furniture and books of small and indefinite pecuniary value constituted the whole of the bequest of James Smithson to the United States.

Before the time of this deposit at the mint the sixth section of the act of Congress of July 7, 1838, entitled "An act to provide for the support of the Military Academy of the United States for the year 1838, and for other purposes," had disposed of the fund as follows:

"SEC. 6. *And be it further enacted*, That all the money arising from the bequest of the late James Smithson, of London, for the purpose of founding at Washington, in this District, an institution to be denominated the Smithsonian Institution which may be paid into the Treasury, is hereby appropriated and shall be invested by the Secretary of the Treasury with the approbation of the President of the United States in stocks of States, bearing interest at the rate of not less than five per centum per annum, which said stocks shall be held by the said Secretary in trust for the uses specified in the last will and testament of said Smithson until provision is made by law for carrying the purpose of said bequest into effect, and that the annual interest accruing on the stock aforesaid shall be in like manner invested for the benefit of said institution."

Under the authority of this provision, \$499,500 of the money received at the mint on the 1st of September, 1838, were on the 4th

of the same month invested in 500 bonds of the State of Arkansas of \$1,000 each, bearing interest at the rate of 6 per cent per annum, payable half-yearly on the 1st days of January and July of each year until the payment of the principal on the 26th day of October, 1861.

Under the same authority subsequent investments were made in bonds of the same State of Arkansas as follows:

Dec. 29, 1838, \$10,000 in 10 bonds, payable January 1, 1868.....	\$10,000.00
July 6, 1839, \$13,000 in 13 bonds, payable January 1, 1868.....	13,000.00
Sept. 21, 1840, \$15,000 in 15 bonds, payable January 1, 1868 .....	15,000.00
Upon these bonds there had been paid for interest on December 31, 1843.	93,591.73
And there was then due for interest on the same.....	75,687.84

Whence it appears that from and after July, 1841, all payments of interest on said Arkansas bonds have ceased, and that the amount due is accumulating at the rate of more than \$32,000 a year—amounting at this day to more than \$90,000.

On the 23d of November, 1838, \$8,000 were invested in bonds of the State of Michigan, payable on the first Monday of July, 1858, bearing interest at 6 per cent, payable half-yearly at the Manhattan Bank, in the city of New York .....

\$8,000

On these bonds there was due on the 31st of December, 1843, one year's interest.....

480

There were invested in bonds of the State of Illinois—

Feb. 3, 1840. 13 bonds, of \$1,000 each, payable after the year 1860 .....

13,000

3 bonds, of \$1,000 each, payable after January 1, 1873 .....

3,000

10 bonds, of 1,000 each, reimbursable at the pleasure of the State after the year 1860 .....

10,000

Dec. 3, 1840. 6 bonds of the State of Illinois, of \$1,000 each, payable after January 1, 1870 .....

\$6,000

Feb. 1, 1841. 24 bonds, payable after January 1, 1870.....

24,000

————— 30,000

On these bonds of the State of Illinois there was due on December 31, 1843, one year's interest .....

3,360

There were invested in the 6 per cent canal stocks of the State of Ohio—

Aug. 7, 1841. 13 bonds, of \$1,000 each, payable after December 31, 1860 ....

13,000

Aug. 10, 1841. 5 bonds, of \$1,000 each, payable after December 31, 1860 ....

5,000

Upon these bonds, on the 31st of December, 1843, no interest was due.

The first section of an act of Congress of September 11, 1841, repealed so much of the sixth section of the act of July 7, 1838, as required the Secretary of the Treasury to invest the annual interest accruing on the investment of the money arising from the bequest of James Smithson in the stocks of the States; and the Secretary of the Treasury was thenceforth required, until Congress shall appropriate said accruing interest to the purposes prescribed by the testator for the increase and diffusion of knowledge among men, to invest said accruing interest in any stock of the United States bearing not less than 5 per cent per annum.

Since that time the investments in the stocks of the United States have been as follows:

September 27, 1841, 5½ per cent stocks .....	\$1, 291. 86
August 27, 1842, 6 per cent stocks .....	1, 135. 80
December 29, 1842, 6 per cent stocks .....	8, 322. 79
March 31, 1843, 6 per cent stocks.....	653. 05
January 12, 1844, 5 per cent stocks .....	4, 231. 35
Total .....	15, 634 85

Which sum is the whole amount of interest received at the Treasury in the space of two years and four months (from the 11th of September, 1841, to the 12th of January, 1844) from a fund which in that space of time should have yielded little less than \$80,000. This, then, is the present condition of the fund.

There are in the Treasury of the United States 620 bonds of the States of Arkansas, Illinois, Ohio, and Michigan, viz:

Arkansas .....	538
Illinois .....	56
Ohio .....	18
Michigan .....	8
Total .....	620

for \$1,000 each, bearing on their face interest at 6 per cent a year, payable half-yearly in the city of New York. The principal of these bonds is payable at different times from 1850 to 1873—none before the first of those periods, and none after, but at the pleasure of the several contracting States.

The annual interest upon these bonds is \$37,200, payable in semiannual payments in the city of New York; but with the exception of the bonds of the State of Ohio, the payment of interest on all the rest is suspended, which suspension on the bonds of the State of Arkansas has already continued for the space of nearly three years.

The arrears of this interest due on the 31st of December, 1843, were:

Of the State of—

Arkansas .....	\$75, 687. 84
Michigan .....	480. 00
Illinois .....	3, 360. 00

Forming an aggregate of .....	79, 527. 84
Which, added to the amount of the bonds .....	620, 000. 00

Gives the amount in the Treasury .....	699, 527. 84
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on the 31st of December, 1843, which sum, with the accruing interest to the 31st of December, 1846, will exceed \$800,000. The stipulated period of payment of the principal of all these bonds is remote, none being payable earlier than 1850, some of them not before 1870, and all postponable at the pleasure of the State. So that while the pay-

ments of interest remain suspended, neither principal nor interest is available for application by Congress to the purpose of the bequest—the increase and diffusion of knowledge among men.

Yet in the act of Congress of July 1, 1836, accepting the bequest, the faith of the United States was solemnly pledged that all the sums of money and other funds received for or on account of this legacy should be applied to the humane and generous purpose prescribed by the testator.

For the redemption of this pledge it is indispensably necessary that the fund now locked in the Treasury in the bonds of these States, and the accruing interest on them (the payment of which is now suspended), should be made available for the disposal of Congress to execute the sacred trust which in the name of the United States they have assumed. For this purpose the committee report a bill appropriating the sum of \$800,000, to be invested in certificates of stock of the United States, bearing interest at the rate of 6 per cent a year, payable half-yearly, and redeemable at the pleasure of Congress by the substitution of other funds of equal value, which sum of \$800,000 shall constitute permanent funds, thus appropriated, as follows:

1. To replace the sum of \$508,318.46 deposited in the mint of the United States in gold on the 1st of September, 1838, and \$500,000 of which were, on the 4th of the same month, invested for and on account of the United States in bonds of the State of Arkansas.

2. Three hundred thousand dollars to supply the place of the interest which has accrued and will accrue until or near the 31st of December, 1846, on the bonds now in the Treasury of the United States, the payment of interest on which is at present suspended.

The committee will not entertain a doubt that the States of Arkansas, Illinois, and Michigan will have made before the close of the year 1846 provision for payment of the arrears of interest due upon their bonds and for the punctual payment of the same interest as it may hereafter accrue. The appropriations from the Treasury proposed by the bill herewith reported will require no disbursement of money beyond one year's interest on the whole fund, and the amount now in the Treasury and available for the immediate disposal of Congress. The appropriations authorized by the bill are necessary to enable Congress to proceed immediately to the execution of the trust committed to them by the testator, and for the fulfillment of which the faith of the nation has been pledged; but they will constitute no burdens upon the Treasury itself, and no ultimate expenditure, other than the proceeds of the Smithsonian fund itself. The proposal is that of this sum of \$300,000, \$60,000 shall be held as a permanent fund, from the interest of which, without intrenching upon the principal, a sum of \$3,600 a year shall be provided for the compensation of an astronomical observer, and for the contingent expenses of repairs of an observatory,

occasionally required. That a like fund of \$120,000 shall be reserved, yielding a yearly interest of \$7,200, for a compensation of \$1,500 a year for each of four assistant observers, and of two laborers with the wages for each of \$600 a year. That a fund of \$20,000 should supply a yearly interest for the purchase of new publications on subjects connected with science; and another fund, from the interest of which may be defrayed the compensation of the secretary and treasurer of the corporation, and the charge of publication of a nautical almanac and of the observations made by the observators. There remains, then, a sum of \$70,000 to be expended for the erection of the observatory, and of the necessary buildings connected therewith, and for the purchase of instruments and books necessary and suitable for the establishment, which may be thus formed and completed by the close of the year 1846.

For refunding to the Treasury the whole sum thus appropriated, principal and interest, the only requisite will be the sense of justice of the governments of the States of Arkansas, Illinois, and Michigan, of which, as the committee have observed, they can not entertain a doubt.

The committee respectfully report, with slight modifications adapted to the present circumstances, the same bill reported by a committee of this House at the second session of the Twenty-seventh Congress, on the 12th of April, 1842.

And, finally, the committee refer the House, for a full exposition of the facts and principles upon which the bill now reported is predicated, to the following previous reports of committees of this House on the subject of the Smithsonian bequest:

Report No. 181, of January 19, 1836, Twenty-fourth Congress, first session, with accompanying documents.

Report No. 277, of March 5, 1840, Twenty-sixth Congress, first session, with amendatory bill H. 1.

Report No. 587, of April 12, 1842, Twenty-seventh Congress, second session, with bill H. 386.

All of which this committee request may be taken as part of their report.

[H. 418.]

A bill to provide for the disposal and management of the fund bequeathed by James Smithson to the United States, for the establishment of an institution for the increase and diffusion of knowledge among men.

SEC. 1. *Be it enacted, etc.*, That the President of the Senate and the Speaker of the House of Representatives of the United States, the Chief Justice of the United States, the Secretaries of State, Treasury, War, and Navy, the Postmaster and Attorney Generals, the chief justice of the circuit court of the United States for the District of Columbia, and the mayor of the city of Washington, shall be, and hereby are, constituted a body politic and corporate, by the style and title of "The trustees of the Smithsonian Institution for the increase and diffusion of knowledge among men,"

with perpetual succession, and the usual powers, duties, and liabilities incident to corporations.

SEC. 2. *And be it further enacted*, That the corporation so constituted shall have power to appoint, from citizens of the United States other than members of the board, a secretary and a treasurer, to hold their offices during the pleasure of the board, and removable at their pleasure, and others to be appointed in their places, and to fix from time to time their compensations. And the secretary and treasurer only shall receive pecuniary compensation for their services, and those of the members of the board of trustees shall be gratuitous. And the offices of secretary and treasurer may, at the discretion of the board of trustees, be held by the same person. The secretary and treasurer shall be sworn to the faithful discharge of the duties of their respective offices; and the treasurer shall give bond, under the penalty of \$50,000, with sureties to the satisfaction of the Secretary of the Treasury, for the safe custody and faithful application of all the funds of the institution which may come to his hands or be at his disposal.

SEC. 3. *And be it further enacted*, That the sum of \$800,000 be, and the same is hereby appropriated, by investment of that sum in certificates of stock to that amount of the United States, bearing interest at the rate of six per cent a year, from and after the passage of this act, redeemable at the pleasure of Congress by the substitution of other funds of equal value and yielding the same income, the said interest being payable half-yearly on the first Mondays of January and July. The said stocks to be applied in manner following: First, to constitute a fund of \$500,000, bearing interest as aforesaid, to supply the place of the same sum received at the Mint of the United States at Philadelphia, in gold, on the first day of September, of the year 1838, and on the fourth day of the same month invested, for account of the United States, in five hundred bonds of the State of Arkansas, of one thousand dollars each, bearing interest at the rate of six per cent a year, payable half-yearly, and the principal of which is redeemable on the second of October, 1860. Secondly, to constitute a fund of \$300,000, bearing interest as aforesaid, to supply the place of an equal sum invested in one hundred and forty bonds of the States of Arkansas, Michigan, Illinois and Ohio, and of interest which has accrued, and may hereafter accrue, to the said amount of \$300,000, from the said sum deposited at the Mint of the United States at Philadelphia on the first day of September, 1838; the said fund to be applied to the execution of the purpose of the testator, "the increase and diffusion of knowledge among men," in manner following:

Of the said fund, there shall be applied for the erection and establishment, at the city of Washington, of an astronomical observatory, adapted to the most effective and continual observations of the phenomena of the heavens; to be provided with the necessary, best, and most perfect instruments and books, for the periodical publication of said observations, and for the annual composition and publication of a nautical almanac, thirty thousand dollars.

Of the said fund there shall be reserved in the stock thus invested the sum of \$60,000, from the yearly interest of which the compensation shall be paid of an astronomical observator, to be appointed by the board of overseers, removable at their discretion, and another to be appointed whenever the said office may be vacant; and his compensation shall be at the rate of \$3,000 a year, and \$600 a year shall be reserved for the incidental and contingent expenses of repairs upon the buildings as they may be required.

Also \$120,000, from the yearly interest of which shall be paid the compensation of four assistants to the astronomer and of laborers necessary for attendance on him, and for the care and preservation of the buildings. The compensation of the four assistants to be at the rate of \$1,500 a year each; and the compensation of the laborers not to exceed in amount, for the whole of those found necessary, \$1,200 a year; the assistants and laborers to be appointed and removable by the said board of trustees at their discretion.

Of the said fund there shall be applied to furnish an assortment of the best and most perfect instruments for astronomical observation, to be procured under the direction of the astronomical observator, to be appointed conformably to the provisions of this act, \$20,000.

And there shall be reserved \$10,000, from the interest of which other instruments may be from time to time procured, as occasions for the use of them may arise, and for the repairs of instruments as needed.

And there shall be reserved \$10,000, applied to the purchase of a library of books of science and literature for the use of the observatory, to be selected by the observator; and the further sum of \$20,000 reserved, from the interest of which to pay for a supply of new works, transactions of learned societies, and periodical publications upon science in other parts of the world or in America.

Of the said fund shall be reserved \$30,000, from the interest of which shall be paid the compensation of the secretary and treasurer, and the contingent expenses of the corporation hereby constituted, including the expense of the yearly publication of the observations made at the observatory, and of a nautical almanac, to be called the Smithsonian Almanac.

SEC. 4. *And be it further enacted*, That all the moneys and stocks which have been, or may hereafter be, received into the Treasury of the United States on account of the fund bequeathed by James Smithson be, and the same are hereby, pledged to refund to the Treasury of the United States the sums hereby appropriated. And the Secretary of the Treasury shall cause to be opened an account in which the Smithsonian fund shall be charged with the sum of \$800,000, hereby appropriated and invested in stocks of the United States, and shall be credited by the six hundred and forty bonds of the States of Arkansas, Michigan, Illinois, and Ohio, and by all the sums received, or hereafter to be received, for interest on the said bonds until the final payment of the principal thereof by the said States. And the Secretary of the Treasury is hereby authorized to sell and transfer, at their nominal par value, principal and interest, and not under, any of the said bonds, with the interest due and unpaid on the same, and to credit the said fund with the proceeds thereof, till the whole sum hereby appropriated, and all the interest hereafter paid thereon, shall be refunded to the Treasury of the United States.

SEC. 5. *And be it further enacted*, That no part of the said Smithsonian fund, principal or interest, shall be applied to any school, college, university, other institute of education, or ecclesiastical establishment.

SEC. 6. *And be it further enacted*, That the observatory provided by the third section of this act shall be erected under the direction of the board of trustees on a site in the city of Washington, to be selected by them; and should the same be on land belonging to the United States, so much thereof as, in the opinion of the trustees, shall be necessary for the purpose shall be conveyed to them in consideration of the sum of \$10,000, taken from that fund by the general appropriation act of third March, eighteen hundred and thirty-nine: *Provided*, That if no such suitable site can be found on the public lands, that then a selection of a site on private property may be made at a price not exceeding one-half cent per square foot, to be paid out of the appropriation in the third section of this act.

SEC. 7. *And be it further enacted*, That all expenditures made by the said board of trustees shall be subject to the approval of the President of the United States; and all the accounts thereof shall be reported to the Secretary of the Treasury, and audited under his direction by the proper officers of the Treasury Department; and the said board shall report to Congress, at every session thereof, the state of the Smithsonian fund, and a full statement of their receipts and expenditures during the preceding year.

SEC. 8. *And be it further enacted*, That the first meeting of the trustees of the Smithsonian fund shall be held at the city of Washington on the third Tuesday of ——— next; and that in the meantime the custody of the said fund and the expenditures

under the appropriations herein made shall be held and authorized by the Secretary of the Treasury, subject to the approbation of the President of the United States.

SEC. 9. *And be it further enacted*, That there shall be a board of visitors, to be annually appointed, consisting of nine members; two of whom to be commissioned officers of the Army, to be appointed by the Secretary of War; two commissioned officers of the Navy, to be appointed by the Secretary of the Navy; the mayors for the time being of the cities of Alexandria and of Georgetown, within the District of Columbia; and one citizen of each of the cities of Washington, Alexandria, and Georgetown, to be appointed by the President of the United States; who shall meet on the first Monday of February, at eleven o'clock, before noon, at the said astronomical observatory, and visit and inspect the condition of the said observatory and of the Smithsonian Institution generally. They shall choose among themselves a chairman, and shall make report to the President of the United States of the said condition of the Institution, specifically indicating in what respect the Institution has, during the preceding year, contributed to the purpose of the founder—the increase and diffusion of knowledge among men. To this board the astronomical observator shall make a report to the same effect, so far as regards the astronomical branch of the Institution, which report shall be annexed to that of the board to the President of the United States, who shall communicate the said reports to Congress. The services of the members of the said board shall be gratuitous.

SEC. 10. *And be it further enacted*, That there is reserved to Congress the right of altering, amending, adding to, or repealing any of the provisions of this act which shall be found inconvenient upon experience: *Provided*, That no contract or individual right, made or acquired under such provisions, shall thereby be impaired or divested.

SEC. 11. *And be it further enacted*, That for any other moneys which have accrued, or may hereafter accrue, upon the said Smithsonian fund, not herein appropriated, the board of trustees are hereby authorized to make such disposal as they shall deem necessary for the promotion of the purpose of the testator—"the increase and diffusion of knowledge among men"—unless the same shall be otherwise disposed of by law.

Committed to Committee of the Whole.

*June 14, 1844—House.*

Mr. EDMUND DEBERRY, from the Committee on Agriculture, made an adverse report upon the petition of citizens of the State of Massachusetts in relation to the appropriation of the Smithsonian bequest for the purposes of agricultural education.

*December 12, 1844—Senate.*

Mr. Benj. TAPPAN introduced bill S. 18. Referred to the Committee on the Library.

A bill to establish the Smithsonian Institution, for the increase and diffusion of knowledge among men.

Whereas James Smithson, esquire, of London, in the Kingdom of Great Britain, by his last will and testament did give the whole of his property to the United States of America, to found at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men; and whereas Congress have heretofore received said property and accepted said trust; therefore, that the same may be executed in good faith, and according to the will of the liberal and enlightened donor:

*Be it enacted, etc.*, That so much of the property of the said James Smithson as has been received in money and paid into the Treasury of the United States, being the sum of \$508,318, be loaned to the United States Treasury, at six per cent per

annum interest, from the third day of December, in the year 1838, when the same was received into the said Treasury; and that so much of the interest as may have accrued on said sum on the first day of July next, which will amount to the sum of \$209,103, be, and the same is hereby, appropriated for the erection of suitable buildings, the inclosing of suitable grounds, and for the purchase of books and instruments for the Smithsonian Institution established by this act; and that six per cent interest on the said trust fund, it being the said amount of \$508,318, received into the United States Treasury, third of December, 1838, payable, in half-yearly payments, on the first of January and July in each year, be, and the same is hereby, appropriated for the perpetual maintenance and support of said institution: *Provided*, That the books to be purchased for said institution shall consist of works on science and the arts, especially such as relate to the ordinary business of life, and to the various mechanical and other improvements and discoveries which may be made.

SEC. 2. *And be it further enacted*, That the business of said institution shall be conducted by a board of managers, to consist of twelve, no two of whom shall be citizens of the same State or Territory; that the persons first appointed on the board of managers shall meet in the city of Washington, on the first Monday of July next after the passage of this act, and, when met, shall divide themselves, by lot, into three sections, one of which shall serve two years, one four, and the other six years; and whenever a vacancy occurs in said board, the same shall be filled by such person as may be appointed by a joint resolution of Congress; that all those who may be appointed to fill vacancies occasioned by death, resignation, or removal out of the United States, shall serve the residue of the term, and all those who may be appointed to fill vacancies which occur by lapse of time shall serve for the term of six years; that after said board shall have met and become organized by appointing one of their own body president of said board, it shall be their duty to proceed to select a suitable site for such building as may be, in their judgment, necessary for the institution, and suitable ground for horticultural and agricultural experiments, which ground may be taken and appropriated out of that part of the public ground in the city of Washington called the Mall, lying west of Seventh street; and the ground so selected shall be set out by proper metes and bounds, and a description of the same shall be made and recorded in a book to be provided for that purpose, and signed by said managers, or so many of them as may be convened on said first Monday of July; and such record, or a copy thereof, certified by the president of the board of managers, shall be received as evidence in all courts of the extent and boundaries of the lands appropriated to said institution.

SEC. 3. *And be it further enacted*, That so soon as the board of managers shall have selected the site for the buildings of the institution, they shall cause to be erected a suitable building, of plain and durable materials and structure, without unnecessary ornament, and of sufficient size, and with suitable rooms or halls for the reception and arrangement, upon a liberal scale, of objects of natural history, a geological and mineralogical cabinet, a library, a chemical laboratory, and a lecture room or rooms; and the said board shall have authority, by themselves, or by a committee of three of their members, to contract for the completion of such building upon such plan as may be directed by the board of managers, and shall take sufficient security to the Treasurer of the United States for the building and finishing the same according to the said plan, and in the time stipulated in such contract: *Provided, however*, That the expense of said building shall not exceed the sum of \$80,000, which sum is hereby appropriated for that purpose out of any money in the Treasury not otherwise appropriated; and the board of managers shall also cause the grounds selected for horticultural and agricultural purposes to be enclosed and secured, and a suitable building erected to preserve such plants as will not bear exposure to the weather at all seasons; and the sum of \$20,000 is hereby appropriated for such building and enclosure, to be paid out of any moneys in the Treasury not otherwise appropriated;

and so soon as it may be necessary for the accommodation of the persons employed in said institution, the said board of managers may cause to be erected on the grounds of the institution such dwelling houses and other buildings, of plain and substantial workmanship and materials, to be without unnecessary ornament, as may be wanted; *Provided, however,* That the whole expense of building and furnishing as many such houses as may be required shall not exceed the residue of said interest which will have accrued on the first day of July next; and for the said expenditure the said residue of said interest, amounting to the sum of \$78,604 is hereby appropriated, payable out of any moneys in the Treasury not otherwise appropriated; and all such contracts as may be made by said board of managers shall be deposited with the Treasurer of the United States; and all questions which may arise between the United States and any person claiming under and by virtue of any such contract shall be heard and determined by said board of managers, and such determination shall be final and conclusive upon all parties; and all claims on any contract made as aforesaid shall be allowed and certified by the board of managers, or a committee thereof, as the case may be, and being signed by the president of the board, shall be a sufficient voucher for settlement and payment at the Treasury of the United States. And the board of managers shall be authorized to employ such persons as they deem necessary to superintend the erection of the building, and fitting up the rooms of the institution.

SEC. 4. *And be it further enacted,* That so soon as buildings shall be erected for their reception, all objects of natural history and geological and mineralogical specimens belonging to the United States which may be in the city of Washington, in whosoever custody the same may be, shall be delivered to such persons as may be authorized by the board of managers to receive them, and shall be arranged by the proper professor in such order and so classed as best to facilitate the examination and study of them in the building so as aforesaid to be erected for the institution; and the managers of said institution shall afterwards, as new specimens in natural history, geology, or mineralogy, may be obtained for the museum of the institution by exchanges of duplicate specimens belonging to the institution (which they are hereby authorized to make) or by donations which they may receive, cause such new specimens to be also appropriately classed and arranged. And the minerals, books, manuscripts, and other property of James Smithson which have been received by the Government of the United States, and are now placed in the Patent Office, shall be removed to said institution and shall be preserved separate and apart from the other property of the institution.

SEC. 5. *And be it further enacted,* That the managers of said institution shall appoint a superintendent, whose duty it shall be to take charge of the ground, buildings, and property belonging to the institution, and carefully preserve the same from injury; and such superintendent shall be the secretary of the board of managers, and shall, under their direction, make a fair and accurate record of all their proceedings, to be preserved in said institution; and the said superintendent shall also discharge the duties of professor of agriculture, horticulture, and rural economy in said institution, and in that capacity may, with the approbation of the board of managers, employ, from time to time, so many gardeners and other laborers as may be necessary to cultivate the ground and keep in repair the buildings of said institution; and the superintendent shall receive for his services such sum as may be allowed by the board of managers, to be paid semiannually on the first day of January and July; and the said superintendent shall be removable by the board of managers whenever, in their judgment, the interest of the institution require the superintendent to be changed.

SEC. 6. *And be it further enacted,* That at the first meeting of the board of managers they shall fix on the times for regular meetings of the board, and on application of any three of the managers to the superintendent of the institution, it shall be his duty to appoint a time for a special meeting of the board, of which he

shall give notice by letter to each of the members, and at any meeting of the board of managers five shall constitute a quorum to do business; that each member of the board of managers shall be paid his necessary traveling and other expenses in attending meetings of the board, which shall be audited, allowed, and recorded by the superintendent of the institution. And whenever any person employed by the authority of the institution shall have performed service entitling him to compensation, whether the same shall be by way of salary payable semiannually or wages for labor, or whenever money is due from said institution for any purpose whatever, the superintendent shall certify to the president of the board that such compensation or money is due, whereupon the president shall certify the same to the proper officer of the Treasury Department for payment.

SEC. 7. *And be it further enacted*, That the board of managers may appoint some suitable person as professor of natural history, a professor of chemistry, a professor of geology, and a professor of astronomy, with such other professors as the wants of science may require. They shall also employ able men to lecture in the institution upon the arts and sciences, and shall fix the compensation of such professors and lecturers: *Provided*, That no professorship shall be established or lecturer employed to treat or lecture on law, physic, or divinity, it being the object of the institution to furnish facilities for the acquisition of such branches of knowledge as are not aught in the various universities.

SEC. 8. *And be it further enacted*, That the board of managers shall make all needful rules, regulations, and by-laws for the government of the Institution and the persons employed therein; and, in prescribing the duties of the professors and lecturers, they shall have special reference to the introduction and illustration of subjects connected with the productive and liberal arts of life, improvements in agriculture, in manufactures, in trades, and in domestic economy. They shall direct experiments to be made by the professor of agriculture, horticulture, and rural economy to determine the utility and advantage of new modes and instruments of culture, to determine whether new fruits, plants, and vegetables may be cultivated to advantage in the United States; and they shall direct the distribution of all such fruits, plants, seeds, and vegetables as shall be found useful and adapted to any of our soils and climates, so that the people in every part of the Union may enjoy the benefit and advantage of the experiments made by the institution. They shall also direct the professor of chemistry to institute a chemical analysis of soils from different sections of the United States, to make experiments on the various modes of improving and enriching the several kinds of soil found within the United States, and at all times to include in his course of lectures the subject of agricultural chemistry. They shall also direct the professor of natural history especially to refer in his course of lectures to the history and habits of such animals as are useful, or such animals and insects as are injurious, including the best means of taking care of and improving the one and of protecting grain and other products from the other. They shall also direct the professor of geology to include in his course of lectures practical instructions of a general character to aid in the exploration and working of mines. They shall also direct the professor of architecture and domestic science to include in his course of lectures practical instructions as to the best modes and materials for building, according to climate and location, throughout the United States, from the simple dwelling to the more complicated and costly structures for public and other purposes; also, to institute experiments in regard to the best mode of lighting, heating, and ventilating buildings, public and private, and to determine the value of such scientific improvements as may, from time to time, be made in the same or in any other important branch of domestic economy. They shall also direct the professor of astronomy to include in his lectures a course on navigation, including the use of nautical instruments. And it shall be competent for the said managers, at their discretion, to cause to be printed and published, from time to time, works, in popular form, on the

sciences and on the aid they bring to labor, written by the professors of the institution, or by other persons engaged for the purpose: *Provided*, That such works shall, at all times, be offered for sale at the lowest rates that will repay the actual expense of publication: *And provided*, That such works shall, before publication, be submitted to and examined by the board of managers, or a committee of their number. And the said board shall also make rules and regulations for the admission of students into the various departments of the institution, and their conduct and deportment while they remain therein: *Provided*, That all instruction in said institution shall be gratuitous to those students who conform to such rules and regulations.

SEC. 9. *And be it further enacted*, That ——— be appointed managers of the said Smithsonian Institution, to hold their offices as is hereinbefore provided.

*December 16, 1844—Senate.*

Mr. BENJAMIN TAPPAN, from the Committee on the Library, reported bill S. 18, without amendment.

*December 31, 1844—Senate.*

On motion of Mr. B. TAPPAN the Senate considered as in Committee of the Whole the bill S. 18, and various verbal amendments offered by him were adopted.

On motion by Mr. JABEZ W. HUNTINGTON the further consideration was postponed to and made the order of the day for Thursday following.

Mr. R. CHOATE and Mr. B. TAPPAN offered amendments, which were ordered to be printed.

*January 6, 1845—Senate.*

Mr. B. TAPPAN presented a petition of Thomas Johnson and others, citizens of Huron County, Ohio, praying the passage of the bill now before the Senate to establish the Smithsonian Institution; which was ordered to lie on the table.

Mr. EPH. H. FOSTER, of New York, presented a petition of Gen. N. V. Knickerbocker and two hundred other citizens of Steuben County, New York, praying the passage of the bill to establish the Smithsonian Institution; which was ordered to lie on the table.

*January 8, 1845—Senate.*

The Senate resumed, as in Committee of the Whole, the consideration of the bill S. 18 to establish the Smithsonian Institution.

The bill having been read—

Mr. RUFUS CHOATE said he was sure that, whatever opinion might be at last formed on this bill, its principles or its details, all would concur in expressing thanks to the Senator from Ohio [Mr. Tappan] for introducing it. We shall differ, he proceeded, more perhaps than could be wished or than can be reconciled about the mode of administering this noble fund; but we can not differ about our duty to enter at once on some mode of administering it. A large sum of money has been given to us, to hold and to apply in trust, "for the increase and diffusion of knowledge among men." We have accepted the trust. "To this application (such is the language of our act of the 1st of

July, 1836)—to this application of the money the faith of the United States is hereby pledged.” The donor is in his grave. There is no chancellor to compel us to redeem our pledge, and there needs none. Our own sense of duty to the dead, and the living, and the unborn who shall live—our justice, our patriotism, our policy, common honesty, common decorum, urge us, and are enough to urge us, to go on, without the delay of an hour, to appropriate the bounty according to the form of the gift. I thank the Senator, therefore, for introducing a bill with which, to my own knowledge, he has taken much—and, so far as I can see or conceive—disinterested pains, and which affords us an opportunity to discharge a plain duty, perhaps too long delayed.

I think, too, sir, that the Senator has, in the first section of the bill, declared the true fundamental law according to which this fund ought to be permanently administered. He lends to the United States the whole sum of \$508,318 actually received out of the English chancery, from the 3d of December, 1838, when it was received, at an interest of 6 per cent per annum. He leaves the sum of \$209,103, which is so much of the interest as will have accrued on the 1st day of July next, to be applied at once to the construction of buildings, the preparation of grounds, the purchase of books, instruments, and the like; and then appropriates the interest, and the interest only, of the original principal sum for the perpetual maintenance of the institution, leaving the principal itself unimpaired forever. This, all, is exactly as it should be.

But when you examine the bill a little further, to discern what it is exactly which this considerable expenditure of money is to accomplish—when you look to see how and how much it is going “to increase and diffuse knowledge among men,” I am afraid that we shall have reason to be a little less satisfied. I do not now refer to the constitution of the board of management, of which, let me say, under some important modifications, I incline to approve, although on that I reserve myself. I speak of what the fund, however managed, is to be made to do. The bill assumes, as it ought, to apply it “to increase and diffuse knowledge among men.” Well, how does it accomplish this object?

It proposes to do so, for substance, by establishing in this city a school or college for the purpose of instructing its pupils in the application of certain physical sciences to certain arts of life. The plan, if adopted, founds a college in Washington to teach the scientific principles of certain useful arts. That is the whole of it. It appoints, on permanent salaries, a professor of agriculture, horticulture, and rural economy; a professor of natural history; a professor of chemistry; a professor of geology; a professor of astronomy; a professor of architecture and domestic science, together with a fluctuating force of occasional auxiliary lecturers; and all these professors and lecturers are enjoined “to have special reference, in all their illustrations and instruc-

tions, to the productive and liberal arts of life—to improvements in agriculture, manufactures, trades, and domestic economy.” Thus, the professor of chemistry is to analyze different kinds of soils, and to learn and teach how to enrich them; the professor of natural history is to deal with noxious or useful animals and insects; the professor of geology is to illustrate the working of mines; the professor of astronomy is to teach navigation; the professor of architecture and domestic science is charged with the theory and practice of building, lighting, and ventilating all manner of edifices, and the professor of agriculture, horticulture, and domestic economy is to make experiments to see what exotics will grow, and what will not, all over the United States. And, in pursuance of the same theory of administration of the fund, it is provided that not a book is to be purchased for the institution except “works on science and the arts, especially such as relate to the ordinary business of life, and to the various mechanical and other improvements and discoveries which may be made.”

Now, I say that this creates a college or school, such as it is, on the basis of a somewhat narrow utilitarianism—to be sure, erroneously so called, but a college or academical institution. Who is to be taught agriculture, architecture, domestic science, rural economy, and navigation? Not you, Mr. President, I suppose, not Congress, not the Government, not men at all. Students, pupils, youths, are to be brought hither, if you can find them; “rules and regulations” (so runs the eighth section of the bill) are to be made “for the admission into the various departments of the institution, and their conduct and deportment while they remain therein,” and instruction is to be given them by professors and lecturers. This surely is a school, a college, an academical institute of education, such as it is, or nothing.

Well, sir, in reviewing, as I have had occasion to do, the proceedings of Congress upon this subject heretofore, I have received the impression that it had become quite your settled judgment—settled on the most decisive reasons—that no school, college, or academical establishment should be constituted. It seems that in the session of 1838 a joint committee of the two branches was charged with this deliberation. The chairman of the committee from this body was Mr. Robbins, and the chairman on the appointment of the House was Mr. Adams; both of them, I may pause to say, persons of the most profound and elegant acquisition; both of them of that happy, rare class who “grow old still learning.” The two committees differed on this very question whether a school or college should be established. The opinion of the committee of the House is expressed in the fourth section of the bill (No. 293 Senate) which they desired to report, and which is in these words:

SEC. 4. *And be it further enacted*, That no part of the said Smithsonian fund, principal, or interest shall be applied to any school, college, university, institute of education, or ecclesiastical establishment.

That of the committee of the Senate is distinctly enough intimated in the beautiful speech with which Mr. Robbins introduced the subject, in January, 1839. I find it in the Appendix to the Congressional Globe:

I could wish, if all were agreed in it, that this institution should make one of a number of colleges, to constitute a university to be established here, and to be endowed in a manner worthy of this great nation and their immense resources. But, as opinions are divided upon this subject—not, I should hope, as to the great desirableness of such an establishment, but as to the constitutional competency of Congress to undertake it—I will not embarrass my present object by involving it with that subject. This, as an independent institution, may hereafter be made a part of such a university, should one be established; but it is now to be looked at only as an independent institution.

It was to embody and execute this conception that Mr. Robbins drew the Senate bill No. 292.

Finding themselves unable to agree, it was determined that each committee should report both of these bills to their respective Houses. On the 25th of February, 1839, the bill drawn by Mr. Robbins was taken up in this body, and after an animated discussion was laid on the table by a vote of 20 to 15. This vote is regarded, I perceive, by Mr. Adams, in his subsequent reports of 1840 and 1842, as expressing the judgment of the Senate against the establishment of such academic institute of learning. He says:

It is then to be considered as a circumstance propitious to the final disposal of this fund, by the organization of an institution the best adapted to accomplish the design of the testator, that this first but erroneous impression of that design—an institute of learning, a university, upon the foundation of which the whole fund should be lavished, and yet prove inadequate to its purpose, without large appropriations of public moneys in its aid—should have been presented to the consideration of Congress, referred to a numerous joint committee of both Houses, there discussed, reported for the deliberation of both Houses, fully debated in the House where it originated, and then decisively rejected.

If such may be inferred to have been the judgment of the Senate, it may be defended on the most decisive reasons. It is hardly worth while to move the question whether it would be expedient to apply the fund as far as it would go to the founding of a great university deserving of the name—a national university—in which all the branches of a thorough education should be taught; which should fill the space between the college and professional schools which should guide the maturer American mind to the highest places of knowledge; for such should be the functions of such a university. It is not worth while to move this question, because no such proposition is before us. I am afraid, with Mr. Adams, that to found such a university would consume the whole fund, interest and principal, almost at once, and reduce you to the alternative of a signal failure, or of occasional and frequent application to the Government for aid which could never be granted. But the Senator from Ohio contemplates no such thing.

He constructs his college on a far more moderate model; and of this college of his I am constrained to say that I think it in the actual state of academical education wholly unnecessary, and in a great degree useless. Why, sir, there are in the country more than a hundred colleges; I have seen them estimated at one hundred and seventy-three. These are distributed all over the United States; two are in this District. They are at the doors of the people. I suspect that every one of them has a professor for every department provided for in this bill, except architecture and domestic science, and agriculture and rural economy. In every one, without any difficulty, that special attention here recommended, to the application of science "to the ordinary business of life," may be, if it is not now secured, if in the judgment of those who are intrusted with their management it is thought expedient. Why, sir, I recollect that navigation was taught in one at least of our common free district schools of Massachusetts thirty years ago. I can not concur with the honorable framer of the bill, therefore, that his school is to "furnish facilities for the acquisition of such branches of knowledge as are not taught in the various universities." It will do no such thing. It will injure those universities, rather, if it has any effect, by withdrawing from them some portion of the patronage for which they are all struggling, and of which so few get a full meal.

Such a school, then, I think, is scarcely now necessary. In this it would be, to say no more, very far from generally useful. It would hardly appear to be an instrumentality coming up to the sonorous promise of "increasing and diffusing knowledge among men." Who would its pupils be? Who could afford to come all the way to Washington from the South, West, and North to learn architecture, navigation, and domestic science? Certainly only the sons of the wealthy, who would hardly come, if they could, to learn any such branch of homely knowledge. You might collect some few students in the District and the borders of the adjacent States; but for any purpose of wide utility the school would be no more felt than so much sunshine on the poles. Meantime here would be your professors, their salaries running on; your books, and apparatus, and edifices, a show of things—a pretty energetic diffusing of the fund; not much diffusion of knowledge.

I shall venture, then, to move to strike out all those parts of the bill which indicate the particular mode in which the bequest is to be applied to the increase and diffusion of knowledge. I except the provision for experiments in seeds and plants, on which I will say a word hereafter. If this motion prevails the whole question will recur: What shall we do with the fund?

It has seemed to me that there are two applications of it which may just now meet with favor.

In the first place, to begin with the least important, I adopt, with some modifications, the suggestion in the bill that lectures be delivered in this city for two or three months during every session of Congress. These lectures should be delivered, not by professors permanently fixed here, upon annual salaries, to do nothing in the recess of Congress, or to do nothing that can not be as well done at one hundred and fifty other places, but by gentlemen eminent in science and literature, holding situations elsewhere, and coming hither under the stimulations and with the ambition of a special and conspicuous retainer. They might be professors of colleges, men of letters, persons distinguished in the professions, or otherwise. Names will occur to you all which I need not mention; and their lectures should be adapted to their audiences. Who would their audiences be? Members of Congress with their families, members of the Government with theirs, some inhabitants of this city, some few strangers who occasionally honor us with visits of curiosity or business. They would be public men, of mature years and minds; educated, disciplined to some degree, of liberal curiosity, and appreciation of generous and various knowledge. Such would be the audience. The lectures should be framed accordingly. I do not think they should be confined to three or four physical sciences in their applications to the arts of life—navigation, useful or hurtful insects and animals, the ventilation of rooms, or the smoking of chimneys. This is knowledge, to be sure; but it is not all knowledge, nor half of it, nor the best of it. Why should not such an audience hear something of the philosophy of history, of classical and of South American antiquities, of international law, of the grandeur and decline of states, of the progress and eras of freedom, of ethics, of intellectual philosophy, of art, taste, and literature in its most comprehensive and noblest forms? Why should they not hear such lectures as Sir James Mackintosh delivered when a young man to audiences among whom were Canning, and such as he? Would it not be as instructive to hear a first-rate scholar and thinker demonstrate out of a chapter of Greek or Italian history how dreadful a thing it is for a cluster of young and fervid democracies to dwell side by side, independent and disunited, as it would to hear a chemist maintain that to raise wheat you must have some certain proportion of lime in the soil? But the subjects of lectures would of course be adapted to time, place, and circumstances, and varied with them. Whatever they should treat of, they would be useful. They would recreate and refresh and instruct you. They would relieve the monotony and soften the austerity and correct all the influences of this kind of public service.

But, Mr. President, all this is no administration of the fund; all this ought to cost less than \$5,000 a year. We could not sustain more than one lecture in a week, nor that for more than three months of any session. Here is an accumulated interest of \$200,000; and here

is an annual interest of \$30,000, of which thus far I have provided for an expenditure of some five thousand only. What will you do with the rest?

It is easy to waste this money; it is easy to squander it in jobs, salaries, quackeries; it is easy, even under the forms of utility, to disperse and dissipate it in little rills and drops, imperceptible to all human sense, carrying it off by an insensible and ineffectual evaporation. But, sir, I take it that we all earnestly desire—I am sure the Senator from Ohio does so—so to dispense it as to make it tell. I am sure we all desire to see it, instead of being carried off invisibly and wastefully, embody itself in some form, some exponent of civilization, permanent, palpable, conspicuous, useful. And to this end, it has seemed to me, upon the most mature reflection, that we can not do a safer, surer, more unexceptionable thing with the income, or with a portion of the income—perhaps \$20,000 a year for a few years—than to expend it in accumulating a grand and noble public library; one which, for variety, extent, and wealth, shall be, and be confessed to be, equal to any now in the world.

I say for a few years. Twenty thousand dollars a year for twenty-five years are \$500,000; and \$500,000 discreetly expended, not by a bibliomaniac, but by a man of sense and reading, thoroughly instructed in bibliography, would go far, very far, toward the purchase of nearly as good a library as Europe can boast. I mean a library of printed books, as distinct from manuscripts. Of course, such a sum would not purchase the number of books which some old libraries are reported to contain. It would not buy the 700,000 of the Royal Library at Paris, the largest in the world; nor the 500,000 or 600,000 of that of Munich, the largest in Germany; nor the 300,000, 400,000, or 500,000 of those of Vienna and St. Petersburg, and the Vatican at Rome, and Copenhagen, and the Bodleian at Oxford. But mere numbers of volumes afford a very imperfect criterion of value. Those old libraries have been so long in collecting; accident and donation, which could not be rejected, have contributed so much to them; a general and indiscriminate system of accumulation gathers up, necessarily, so much trash; there are so many duplicates and quadruplicates, and so many books and editions which become superseded, that mere bulk and mere original cost must not terrify us. *Ponderantur non numerantur*. Accordingly, the Library of the University at Göttingen, consisting of perhaps 200,000 volumes, but well chosen, selected for the most part within a century, and to a considerable extent by a single great scholar (Heyne), is perhaps to-day as valuable a collection of printed books as any in the world. Toward the accumulation of such a library, the expenditure of two-thirds of this income for a quarter of a century would make, let me say, a magnificent advance. And, such a step taken, we should never leave the work unfinished; yet, when it should

be finished, and your library should rival anything which civilization has ever had to show, there would still be the whole principal of your fund unexpended, yielding its income forever, for new and varying applications for increasing and diffusing knowledge in the world.

[Mr. Choate here read a letter of Professor Torrey, of Burlington, showing at what reduced prices valuable books may now be purchased.]

I hesitate, from an apprehension of being accused of entering too far into a kind of dissertation unsuited to this assembly of men of business, to suggest and press one-half the considerations which satisfy my mind of the propriety of this mode of expenditure. Nobody can doubt, I think, that it comes within the terms and spirit of the trust. That directs us to "increase and diffuse knowledge among men." And do not the judgments of all the wise, does not the experience of all enlightened States, does not the whole history of civilization concur to declare that a various and ample library is one of the surest, most constant, most permanent, and most economical instrumentalities to increase and diffuse knowledge? There it would be—durable as liberty, durable as the Union; a vast storehouse, a vast treasury, of all the facts which make up the history of man and of nature, so far as that history has been written; of all the truths which the inquiries and experiences of all the races and ages have found out; of all the opinions that have been promulgated; of all the emotions, images, sentiments, examples of all the richest and most instructive literatures: the whole past speaking to the present and the future; a silent, yet wise and eloquent teacher; dead, yet speaking—not dead! for Milton has told us that a "good book is not absolutely a dead thing—the precious life-blood rather of a master spirit; a seasoned life of man embalmed and treasured up on purpose to a life beyond life." Is that not an admirable instrumentality to increase and diffuse knowledge among men? It would place within the reach of our mind, of our thinkers, and investigators, and scholars, all, or the chief, intellectual and literary materials, and food and instruments, now within the reach of the cultivated foreign mind, and the effect would be to increase the amount of individual acquisition and multiply the number of the learned. It would raise the standard of our scholarship, improve our style of investigation, and communicate an impulse to our educated and to the general mind. There is no library now in this country, I suppose, containing over 50,000 volumes. Many there are containing less. But, from the nature of the case, all have the same works; so that I do not know that of all the printed books in the world we have in this country more than 50,000 different works. The consequence has been felt and lamented by all our authors and all our scholars. It has been often said that Gibbon's history could not have been written here for want of books. I suppose that Hallam's *Middle Ages* and his *Introduction to the Literature of Europe* could

not. Irving's Columbus was written in Spain. Wheaton's Northmen was prepared to be written in Copenhagen. See how this inadequate supply operates. An American mind kindles with a subject; it enters on an investigation with a spirit and with an ability worthy of the most splendid achievement; goes a little way, finds that a dozen books, one book, perhaps, is indispensable, which can not be found this side of Göttingen or Oxford. It tires of the pursuit, or abandons it altogether, or substitutes some shallow conjecture for a deep and accurate research, and there an end. Let me refer to a passage or two of the complaints of studious men on this subject:

An extensive library, answering to the wants of literary men who are to use it, is essential to the public and effectual promotion of learning. In this country the want of large libraries is a serious discouragement of superior attainments and accurate researches in almost every walk of study. The time necessary for reading or examining a particular book is often consumed in attempts to discover or obtain it, and frequently after every effort it can not be procured. We are obliged to give over our inquiries on subjects where we would arrive at fullness and exactness in our knowledge because destitute of the assistance which the learned, in the same track of study, have furnished, or to continue them under the disadvantage of ignorance respecting what has been done by others. Thus we are liable to be occupied in solving difficulties which have been already cleared, discussing questions which have been already decided, and digging in mines of literature which former ages have exhausted. Everyone who has been in the way of pursuing any branch of study in our country beyond the mere elements, or the polite and popular literature of the time, knows how soon the progress is often arrested for want of books. This is not the case merely with persons of moderate means who are unable to purchase a library of their own, but it is a want felt under the most favorable circumstances.

It is also of great importance that the library of a university should not only be good, but very good, ample, munificent, a deposit of the world's knowledge. It is a grievous thing to be stopped short in the midst of an inquiry for perhaps the very book that throws most light upon it; and the progress of learning must be small indeed among us so long as the student must send across the Atlantic at every turn for the necessary aids to his pursuits. It is not with us as it is in Europe, where very many libraries exist and where what is not contained in one may be found in another, and the learned are able to aid each other's labors by furnishing mutually, as desired, extracts and references to such books as may exist at one place and fail at another. To say nothing of our two best libraries being remote from each other and from many parts of the country, they are themselves, of course, inadequate. In making one tolerably complete department expressly chosen for that and entirely devoted to it we might easily comprise the amount of books in our largest collection. When it is added that the libraries mentioned are miscellaneous, their number of books small, as the sum total is scattered over all the parts of knowledge, and many introduced by separate contributions without mutual reference to each other, it is obvious that, comparatively speaking, the best must be extremely defective. (North American Review, vol. 8, p. 192.)

What public library in this country contains the materials for an accurate history of any one department of science? Take even the most limited, or rather one of the most recent of all, the science of political economy. Here our researches are confined to one definite period. We have no dusty archives to explore, no time-worn manuscripts to decipher. The origin of the science is within the memory of our fathers, and we ourselves have witnessed its sudden growth and rapid development.

Yet how much is to be done, how many authorities to be weighed, how many different treatises to be analyzed and compared before we can venture to say, Here is the history; for such was the rise, such the progress, such the changes of opinions, such the received and such the rejected theories of political economy. The writers of the first French school, of the Scotch school (and, if we wish for history, we must go beyond the publication of Adam Smith's great work), the Italian, the new French, and the new English schools, all have not merely a claim upon our attention, but are entitled to a full and accurate examination. And even then our task would be incomplete, for literary justice would require us to trace, through the works of general political writers, the hints and remarks which have contributed to the progress of the branch we are studying by the discovery of truth or by the exposition of error. If such be the obligation of the student whose researches are confined to a subject so new, what must be the necessities of the historian who attempts to throw light upon those periods for which the testimony of printed authorities is to be confronted with that of manuscripts and public documents and where ignorance and prejudice have combined with the more powerful incentives of interest to perplex his path by contradictory statements and conflicting opinions?

Books are needed, not confined to any single branch, but embracing the whole range of science and of literature, which shall supply the means of every species of research and inquiry, and which, placed within reach of all, shall leave idleness no excuse for the lightness of its labors, and poverty no obstacles which industry may not surmount.

Whoever reflects, though but for a moment, upon the numerous branches into which modern literature runs, and remembers that the literary glory of a nation can only be secured by a certain degree of success in each of them—whoever considers the immense mass of varied materials, without which no historical work of importance can be composed, or the extensive learning which is required of even the most gifted genius of an age like ours, and adds to these considerations the general and undeniable fact that of those who would gladly devote themselves to literature, but a few can ever hope to obtain by their own resources the command of the works that are essential to the successful prosecution of their studies, will be ready to acknowledge that we have, as yet, done but a small part of what may be justly claimed from a nation which aspires to the first rank for the liberality, and politeness, and high moral tone of its civilization. Late, however, as we are to begin, scarce anything in this department has been accomplished in Europe which might not be done with equal success in America. And so numerous and manifest are our advantages in some important particulars, that a prompt will and sound judgment in the execution of it might, in the course of a very few years, render the American student nearly independent of those vast collections which, in Europe, have required centuries for their formation. The undertaking, however, in order to be successful, should be a national one. Without arguing that no State is fully equal to it, or that in the bounds of any single State it would not answer the same purpose, we may be permitted to say that the enlargement of the Library of Congress upon those broad principles, the application of which to the collection of books has become a difficult and important art, would reflect an honor upon the country equal to the permanent advantages which it would secure to every member of the community. (North American Review, vol. 45, p. 137.)

Yet these writers had access to the best library in this country.

Now there are very many among us, and every day we shall have more, who would feelingly adopt this language. Place within their reach the helps that guide the genius and labors of Germany and England, and let the genius and labors of Germany and England look

to themselves. Our learned men would grow more learned and more able; our studies deeper and wider; our mind itself exercised and sharpened; the whole culture of the community raised and enriched. This is, indeed, to increase and diffuse knowledge among men.

If the terms of the trust then authorize this expenditure, why not make it? Not among the principal, nor yet the least of reasons for doing so is that all the while that you are laying out your money, and when you have laid it out, you have the money's worth, the value received, the property purchased, on hand to show for itself and to speak for itself. Suppose the professors provided for in the bill should gather a little circle of pupils, each of whom should carry off with him some small quotient of navigation, or horticulture, or rural economy, and the fund should thus glide away and evaporate in such insensible, inappreciable appropriations, how little there would be to testify of it. Whereas, here all the while are the books; here is the value; here is the visible property; here is the oil, and here is the light. There is something to point to if you should be asked to account for it unexpectedly, and something to point to if a traveler should taunt you with the collections which he has seen abroad and which gild and recommend the absolutisms of Vienna or St. Petersburg.

Another reason, not of the strongest to be sure, for this mode of expenditure is that it creates so few jobs and sinecures; so little salaried laziness. There is no room for abuses in it. All that you need is a plain, spacious, fireproof building; a librarian and assistants; an agent to buy your books, and a fire to sit by. For all the rest he who wants to read goes and ministers to himself. It is an application of money that almost excludes the chances of abuses altogether.

But the decisive argument is, after all, that it is an application the most exactly adapted to the actual literary and scientific wants of the States and the country. I have said that another college is not needed here, because there are enough now; and another might do harm as much as good. But that which is wanted for every college, for the whole country, for every studious person, is a well-chosen library somewhere among us of three or four hundred thousand books. Where is such a one to be collected? How is it to be done? Who is to do it? Of the hundred and fifty colleges more or less distributed over the country one has a library of perhaps 50,000 volumes; others have good ones though less; others smaller, and smaller, down to scarcely anything. With one voice they unite, teacher and pupil, with every scholar and thinker in proclaiming the want of more. But where are they to come from? No State is likely to lay a tax to create a college library or a city library. No deathbed gift of the rich can be expected to do it. How then is this one grand want of learning to be relieved? It can be done by you, and by you only. By a providential occurrence it is not only placed within your consti-

tutional power, but it has become your duty; you have pledged your faith; you have engaged to the dead and living that without the charge of one dollar on the people, you, you will meet the universal and urgent demand by the precise and adequate supply. By such a library as you can collect here something will be done, much will be done to help every college, every school, every studious man, every writer and thinker in the country to just what is wanted most. Inquirers after truth may come here and search for it. It will do no harm at all to pass a few studious weeks among these scenes. Having pushed their investigations as far as they may at home and ascertained just what and how much more of helps they require, let them come hither and find it. Let them replenish themselves and then go back and make distribution among their pupils; aye, through the thousand channels and by the thousand voices of the press, let them make distribution among the people. Let it be so that—

Hither as to their fountains other stars  
Repairing, in their golden urns, draw light.

I have no objection at all—I should rejoice, rather—to see the literary representatives of an instructed people come hither, not merely for the larger legislation and jurisprudence, but for the rarer and higher knowledge. I am quite willing not only that our “Amphyctionic Council” should sit here but that it should find itself among such scenes and influences as surrounded that old renowned assembly; the fountain of purer waters than those of Castalia; the temple and the oracle of our Apollo! It will do good to have your educated men come to Washington for what has heretofore cost voyages to Germany. They will be of all the parts of the country. They will become acquainted with each other. They will contract friendships and mutual regards. They will go away not only better scholars but better Unionists. Some one has said that a great library molds all minds into one republic. It might, in a sense of which he little dreamed, help to keep ours together.

I have intimated, Mr. President, a doubt whether a college or university of any description, even the highest, should be at present established here. But let it be considered by the enlightened friends of that object, if such there are, that even if your single purpose were to create such a university, you could possibly begin in no way so judiciously as by collecting a great library. Useful in the other modes which I have indicated, to a university it is everything. It is as needful as the soul to the body. While you are doubting, then, what to do, what you will have, you can do nothing so properly as to begin to be accumulating the books which you will require on whatever permanent plan of application you at last determine.

I do not expect to hear it said in this assembly that this expenditure

for a library will benefit a few only, not the mass; that it is exclusive and of the nature of monopoly. It is to be remembered that this fund is a gift; that we take it just as it is given, and that by its terms it must be disbursed here. Any possible administration of it, therefore, is exposed to the cavil that all can not directly and literally and equally partake of it. How many and of what classes of youth, from Louisiana or Illinois or New England, for example, can attend the lectures of your professor of astronomy? But I say it is a positive and important argument for the mode of application which I urge, that it is so diffusive. Think of the large absolute numbers of those who, in the succession of years, will come and partake directly of these stores of truth and knowledge! Think of the numbers without number who through them, who by them indirectly, will partake of the same stores! Studious men will come to learn to speak and write to and for the growing millions of a generally educated community. They will learn that they may communicate. They can not hoard if they would, and they would not if they could. They take in trust to distribute, and every motive of ambition, of interest, of duty, will compel them to distribute. They buy in gross to sell by retail. The lights which they kindle here will not be set under a bushel, but will burn on a thousand hills. No, sir; a rich and public library is no antirepublican monopoly. Who was the old Egyptian king that inscribed on his library the words, "The dispensary of the soul?" You might quite as well inscribe on it, "Armory, and light, and fountain of liberty!"

It may possibly be inquired what account I make of the Library of Congress. I answer that I think it already quite good, and improving; but that its existence constitutes no sort of argument against the formation of such a one as I recommend. In the theory of it that library is collected merely to furnish Congress and the Government with the means of doing their official business. In its theory it must be, in some sort, a professional library; and the expenditure we now make—\$5,000 in a year, or, as last year, \$2,500—can never carry it up to the rank and enable it to fulfill the functions of a truly great and general public library of science, literature, and art. The value of books which could be added under the appropriations of the last year can not greatly exceed \$2,200. Doubtless, however, in the course of forming the two it would be expedient and inevitable to procure to a great extent different books for each.

I do not think, Mr. President, that I am more inclined than another to covet enviously anything which the older civilization of Europe possesses which we do not. I do not suppose that I desire any more than you, or than any of you, to introduce here those vast inequalities of fortune, that elaborate luxury, that fantastic and extreme refinement. But I acknowledge a pang of envy and grief that there

should be one drop or one morsel more of the bread or water of intellectual life tasted by the European than by the American mind. Why should not the soul of this country eat as good food and as much of it as the soul of Europe? Why should a German or an Englishman sit down to a repast of 500,000 books, and an American scholar, who loves truth as well as he, be put on something less than half allowance? Can we not trust ourselves with so much of so good a thing? Will our digestion be impaired by it? Are we afraid that the stimulated and fervid faculties of this young nation will be oppressed and overlaid? Because we have liberty which other nations have not, shall we reject the knowledge which they have and which we have not? Or will you not rather say that because we are free, therefore will we add to our freedom that deep learning and that diffused culture which are its grace and its defense?

He concluded by moving the following amendment:

Strike out the eighth section and insert:

SEC. 8. And whereas an ample and well-selected public library constitutes one of the permanent, constant, and effectual means of increasing and diffusing knowledge among men: Therefore,

*Be it further enacted*, That a sum not less than \$20,000 be annually expended, of the interest of the fund aforesaid, in the purchase of books and manuscripts for the formation of a library of the institution aforesaid, which, for its extent, variety, and value, shall be worthy of the donor of the said fund, and of this nation, and of the age.

Mr. BENJ. TAPPAN next addressed the Senate, but in so low a tone of voice that only detached sentences of his remarks could be heard in the gallery. He was understood to argue that there was no necessity for striking out the eighth section, or materially altering the bill, as it was not incompatible with its provisions to ingraft upon it a modification of the proposition submitted by the Senator from Massachusetts. If a library on a liberal scale, such as the Senator desired, was deemed proper, it would be only necessary to add a section to that effect to the bill, striking out so much of the first section as relates to the same subject. But he did not concur with the Senator from Massachusetts that a vast and costly miscellaneous library would meet the objects contemplated by the donor with this munificent fund. In addition to the general terms of his expressed will, that this fund should be applied to the "increase and diffusion of knowledge among men," it was proper to inquire into the manner in which he himself conceived this was best to be accomplished; and in this inquiry whatever instruction could be gleaned from his own habits and pursuits should not be disregarded, in the absence of other lights. Mr. Smithson was an eminent practical philosopher, intimately acquainted with the practical sciences—such as chemistry, mineralogy, geology, and natural history—to the minute study of which he mainly devoted his life. His favorite resort was the Jardin des Plantes at Paris, an insti-

tution in which he found congregated all the elements furnished by art, nature, and science, for pursuits congenial to his own mind. There could be little doubt that in making this bequest to the United States he had in view the establishment of some such institution as the Jardin des Plantes in the Western Hemisphere. On this reasonable supposition the present bill was framed; and to show that it conformed closely to that design he requested a description of that institution, which he sent to the table, would be read.

The description was accordingly read, but being imperfectly heard the substance only is here given:

*Jardin Royal des Plantes ou Jardin du Roi.*—This institution owes its origin to Guy de la Brosse, physician to Louis XIII. Richelieu, Sequier, and Bullion, intendants of finance, enabled him to found a botanic garden, and to lay down the plan, which his successors carried to perfection. This germ grew to maturity during the reigns of Louis XIV and XV, and the other departments owed their excellence of arrangement to the celebrated Buffon during his superintendence. His studies embraced all nature, and he collected his materials from every portion of the globe. Since his time, Dauberton completed the whole plan, and raised the establishment to the highest degree of perfection.

Distinguished professors exercise their talents in gratuitous lectures on mineralogy, geology, general chemistry, botany, agriculture, natural history, the anatomy of man and animals, and iconography.

The building contains a copious library of works of natural history, fine collections of preserved animal specimens, vegetables, minerals, complete herbaries, drawings of extraordinary merit, and a garden judiciously and tastefully laid out, in which is combined the cultivation of indigenous productions with that of exotic plants. The productions of every region of the globe are preserved in extensive hothouses. There is a menagerie, a superb botanical garden, a splendid amphitheater for lectures, and spacious cabinet of curiosities. Everything is open to the public gratuitously.

Mr. TAPPAN in continuation expatiated at considerable length upon the merits of the bill, and in proof that its provisions were calculated to meet the wishes and intentions of the donor of the munificent fund now the object of consideration. He doubted the utility of such an extensive and costly library as had been suggested by the Senator from Massachusetts; he doubted the possibility of laying out usefully and advantageously \$20,000 a year—or even more than \$4,000 or \$5,000 a year—in the purchase of books. It would be impossible to make such a vast collection of books as \$500,000 would purchase without including cart loads, nay ship loads, of trash, not worth in reality the cost of transport. There was the library of Congress, to the increase of which \$5,000 was annually appropriated, and it was well known that this sum enabled the committee to procure everything coming out in print worth procuring. Yet in this library, small in comparison to any of those foreign libraries alluded to by the Senator, he protested there was more than half the books that he would not take a gift of for the cost of transportation to Ohio. In conclusion he saw no necessity for striking out the eighth section of the bill. If the Senate approved of a more liberal provision for the library an addi-

tional section could be put after the eighth section, and the necessary alteration could be made in the first section.

Mr. LEVI WOODBURY did not rise for any purpose of opposition, but to suggest a course that would probably result in harmonizing the propositions of the Senators from Ohio and Massachusetts. He thought if the bill was recommitted to the Committee on the Library it would receive more attention than it was possible to bestow upon it when there before, in consequence of the absence of some of its members; and he had no doubt of the propriety of providing for the establishment of a complete library on a liberal scale—he would not say to the extent of purchases amounting annually to twenty thousand, fifteen thousand, or ten thousand dollars, but to an extent commensurate with the wants of science and the arts in this country at present, to be hereafter enlarged as might be found necessary. He should be sorry to see the eighth section of the bill stricken out, for he thought there were important provisions in it which ought to be retained. The professors and everything going to the principle of having a college or school connected with the institution, should be dispensed with, but the plan of employing eminent lecturers should be retained. These lecturers could very well perform all the experiments required by the bill of professors. If lecturers of great attainments, even from Europe, were deemed necessary, they could be procured and paid liberally. The donor of this fund was too well informed not to know that in this country the most ample provisions in school lands had been made for elementary education, and that this fund was at least equal to a stock yielding a million and a half of dollars annually for purposes of education. His intention doubtless was to devote his bequest to that increase and diffusion of knowledge among men which was not to be attained at existing institutions of learning in this country; and it was obvious this intention could be best accomplished by a harmonious blending of the propositions of the two Senators, properly modified. There was, however, one part of the plan he strongly objected to as unnecessary; it was that relating to the establishment of a salaried board of managers. The whole thing of balloting in Congress for this board of managers was objectionable and would lead to loss of time and other inconveniences; besides, the persons so chosen might be the most unfit. There was no occasion whatever for that description of management. A National Institute was already in existence in the capital of the Government, created by Congress, and the objects of which were peculiarly appropriate to those of the trust now under consideration. The officers of this institute are the ex officio officers of the Government itself, the scientific residents of the city, and the most eminent professors of many of the learned institutions of the country. These are all gentlemen of high attainments and character, to whom the pursuit of knowledge and its diffusion are labors of love, for which

they seek no pecuniary reward. To that institute this trust should be confided. He hoped, therefore, that in remodeling the bill the committee would allow this matter its due weight and consideration.

Mr. TAPPAN saw no necessity for recommitting the bill to the Committee on the Library or any other committee. The Senate could, without striking out the eighth section, amend it and incorporate such modification as might approve of the proposition made by the Senator from Massachusetts.

Mr. J. A. PEARCE suggested the propriety of postponing the further consideration of the bill till the following day, by which time gentlemen might make up their minds as to the necessity of remodeling the bill.

*January 9, 1845—Senate.*

The unfinished business from January 8 was the bill providing for the establishment of the Smithsonian Institution, the consideration of which was accordingly resumed, as in Committee of the Whole.

Mr. B. TAPPAN inquired what was the pending motion.

The CHAIR said it was to recommit the bill.

Mr. LEVI WOODBURY said that, in compliance with the desire of the Senators who took part in the discussion of yesterday, he would for the present withdraw his motion to recommit.

Mr. R. CHOATE also withdrew his motion of amendment, pending at the time the Senator from New Hampshire moved to recommit the bill.

Mr. CHOATE then moved to strike out the proviso in the first section of the bill, which runs thus:

*Provided*, That the books to be purchased for said Institution shall consist of works on science and the arts, especially such as relate to the ordinary business of life, and to the various mechanical and other improvements and discoveries which may be made.

His object was to avoid a premature decision on the point at issue as to the plan of a general library, or a special one limited to works on physical science. By striking out the proviso the Senate would not commit itself, the question as to the nature of the library being reserved for amendment to another section of the bill.

Mr. TAPPAN considered the motion to strike out the proviso must produce a test vote on the very point, and if that test was desired it might as well be taken on it as on any other amendment.

He argued that a library limited to the works on sciences and the arts, specified in the proviso, would be the only suitable and appropriate library for the Institution. There was no necessity for another general library in the city of Washington, where the Government had already the Library of Congress, the libraries of the State, War, Navy, and other public departments, annually augmented by means of large appropriations.

Mr. WOODBURY, before the question of striking out the proviso was taken, wished to offer an amendment which might render it more acceptable. He moved the substitute for the words "consist of" the words "among others, include;" which would take away the imperative injunction to purchase none but books on science and the arts.

Mr. J. J. CRITTENDEN was about to suggest some such modification. He thought the proviso might be modified so as to read, "That in the purchase of books it shall be a principal object to obtain works," etc., following on with the words of the original.

Mr. TAPPAN said the Senator's object would be attained by substituting for the words "consist of" the words "principally be."

Mr. CRITTENDEN said that would not exactly convey his idea.

Mr. J. A. PEARCE preferred striking out the proviso altogether. If he understood the object aimed at by the Senator from Massachusetts, it was to make the interest of this munificent bequest accomplish the injunction of the donor, by such an increase and diffusion of knowledge among men as a complete national library, worthy of him and this country, would undoubtedly insure. The Library of Congress, though no larger than the private collections of many private gentlemen in Europe, had been thirty years collecting, and now numbered only 40,000 volumes. The library of the British Museum consists of 200,000 volumes; yet, by a recent report, it appears that £100,000 is required to render it complete. The libraries of the Government, alluded to by the Senator from Ohio, are indispensable to the departments, as is that of Congress to the Capitol; they can not, with due regard to the interests of national legislation, be transferred for public use as a national library. By carrying out the suggestion of the Senator from Massachusetts a great national library, worthy of the country and the donor of this fund, may be established.

The question was taken on Mr. Woodbury's amendment, and it was rejected.

Mr. CRITTENDEN now moved his amendment (before stated).

Mr. CHOATE thought it equally objectionable; its tendency would be to prompt the managers to the selection alone of the description of works in some measure prescribed. He would infinitely prefer the postponement of this question of limitation till an amendment to the eighth section, which he had in view, should come up. He hoped the simple motion to strike out the proviso would prevail.

Mr. CRITTENDEN withdrew his motion.

After a few remarks from Mr. Tappan in favor of retaining the proviso,

The question was taken on the motion of Mr. Choate and the proviso was stricken out.

Mr. CHOATE now moved to insert in the fifth section, which enumer-

ates the duties of the superintendent, so much of the succeeding sections as the following words contain:

And he (the superintendent) shall make experiments to determine the utility and advantage of new modes and instruments of culture; to determine whether new fruits, plants, and vegetables may be cultivated to advantage in the United States; and all such fruits, plants, seeds, and vegetables as shall be found useful and adapted to any of our soils and climate shall be distributed among the people of the Union.

This would meet the wishes of the Senator from Ohio so far as regarded the professor of agriculture and horticulture. It was his design to move afterwards to strike out the seventh section, which provides for a corps of professors, and to offer a substitute.

Mr. TAPPAN thought there were other professors equally indispensable—such as one on chemistry and one on astronomy. If a professor of astronomy were attached to the Institution, the observatory could be confided to its care, and the very valuable instruments it contains would afford facilities for the study of that branch of science at the capital not to be obtained elsewhere in the Union. Chemistry was also intimately connected with the objects of the Institution.

Mr. CHOATE said discussion on these points would come up on a future motion he should make.

The question was then taken and the amendment adopted.

Mr. CHOATE now moved to strike out the seventh section and to insert in lieu of it the following:

SEC. 7. Strike out all after the enacting clause and insert: "That the board of managers shall employ competent persons to deliver lectures, or courses of lectures, in the Institution upon literature, science, and art, and the application of science and art, during the sessions of Congress; to make regulations respecting attendance thereon; to fix the rates of compensation therefor; and to prescribe from time to time the subjects of such lectures, having regard to the character of the audience before whom they are delivered and the intent of the donor—that is to say, the increase and diffusion of knowledge among men."

The amendment was adopted.

Mr. CHOATE next moved to strike out the eighth section and to substitute the following:

SEC. 8. And whereas an ample and well-selected public library constitutes one of the most permanent, constant, and effectual means of increasing and diffusing knowledge among men: Therefore,

*Be it further enacted,* That an annual expenditure be made from the interest of the fund aforesaid, under the direction of the said managers, on the purchase of books and manuscripts for the formation of a library of the institution aforesaid, which, for its extent, variety, and value shall be worthy of the donor of the said fund and of this nation and of the age.

Mr. CRITTENDEN moved to add to it a proviso that in the purchase of books for said institution it should be regarded as a principal object to purchase works on science and the arts, especially such as relate to the ordinary business of life and to the various mechanical and other improvements and discoveries which may be made.

Mr. CHOATE argued that this limitation was not only unnecessary, but would most certainly prove injurious. It was unnecessary because no national library such as he contemplated and such as he hoped the Senate would authorize could be made complete without every one of the works on science and the arts which the Senators for Ohio and Kentucky could possibly desire. The proviso would operate injuriously by raising a constitutional question of disputation among the managers as to the quantity of money to be applied to this special description of books and to general literature. If it was stated that out of a given sum two-thirds should be devoted to these books and one-third to other books, they could easily agree, but indefinitely directing a preference would be to limit exceedingly in effect the portion to be devoted to works of general literature.

This point was debated at great length by Mr. Crittenden, Mr. Choate, and Mr. Woodbury, Mr. Choate being opposed to any proviso and Mr. Crittenden and Mr. Woodbury in favor of one sufficiently explanatory to show a preference for the works indicated without putting an undue restriction on the purchase of all other books suitable to a general library.

Mr. W. C. RIVES said he should feel very great repugnance to any provision in this bill which should assume to recognize any important distinction between the different branches of human knowledge. The general object of this bequest—of which we are constituted the trustee—is described to be the “increase and diffusion of knowledge among men.” Now, if we were to have a library at all to carry out this great object, it really seemed to him that that library ought to be coextensive with the limits of human knowledge. Some of his honorable friends on both sides of the House had dropped observations in the course of this debate—and he had heard them with surprise—which would seem to imply that moral science is not knowledge and that nothing but what are regarded as the natural sciences—astronomy, mathematics, and others of that class—is knowledge. The great field of modern inquiry relating to the moral and political sciences is not to be considered at all as a branch of human knowledge! Was this so? And was this the country, or this the age, in which we were to recognize such a doctrine? It did seem to him that the most important of all the branches of human knowledge is that which relates to the moral and political relations of man. It is intimately connected with the rights and duties and privileges of citizens, whether in public or in private life. How would gentlemen designate that great branch of human science, which is of very modern origin, and even now in its infancy—political economy? Is it not a most important part of human knowledge? And are the legislators of this country, who are so deeply concerned in the destinies and progressive civilization of the human race, to regard the science of government and legislation as no part of human knowledge? It really seemed to him that, as representatives

of the American people, they could recognize no such distinction. We have been told from high classical authority that "the proper study of mankind is man;" but here the idea upon which the original form of this bill seemed to stand was that the proper study of mankind is that of animals, exotics, and plants only—not including at all the great moral and civil relations of man. Now, he took it upon himself to say that if gentlemen would survey the field of moral science, they would find that it embraced a much larger portion of knowledge than the physical sciences, however important they may be.

The honorable and venerable member from Ohio, as he had been styled [Mr. Tappan], based his leading arguments upon the necessity of making that institution a counterpart of the Jardin des Plantes in Paris, where there were great collections of material elucidating natural history; but let him tell the honorable Senator that that institution was sustained at a very great expense, and yet it afforded but a very limited source of improvement for the increase and diffusion of knowledge in its liberal sense. Was there no other institution in Paris than the Jardin des Plantes which could be taken as a model? He would refer the honorable Senator to another institution, and one which would better fulfill the design of the bequest. Look at the wide and comprehensive body of instruction delivered at the Sorbonne (the Faculté des Lettres et Sciences), under the auspices of the University of France, the great fountain of knowledge to which all enlightened strangers repair and drink in copious libations of philosophical and practical learning. He was not conversant with Mr. Smithson's peculiar tastes or habits; but if he (Mr. Smithson) was the man of liberal and general inquiry that he believed him to have been, he would venture to assert that his resort was as much to the Sorbonne as to the Jardin des Plantes. And what would he hear there? Would he not hear lectures on the sciences of history, moral philosophy, and government, as well as physics and mathematics? The present minister of France, M. Guizot, had been, if he mistook not, a lecturer on history—ancient and modern history, comprehending all the phases of human society—in this institution. Others had become known there to the world as much as lecturers, as ministers of state, worthy of being intrusted with the destinies of nations and mankind.

He would beg leave to ask the gentlemen who had charge of this great subject, in looking for a model, to look at such an institution as the Faculté des Lettres et Sciences at the Sorbonne rather than at a special institution like the Jardin des Plantes. He had no disposition to depreciate the value of the physical sciences, but he insisted upon it that the moral and political sciences were equally important, and, if any distinction was to be drawn, more important. At a very early period of his life he was struck with a graphic remark made by the great commentator on English law, in illustrating the fitness of asso-

ciating a professorship of law with the University of Oxford—and his honorable friend from Kentucky [Mr. Crittenden] no doubt well recollected the passage—that “the sciences are of a sociable disposition, and flourish best in the neighborhood of each other.” He would make no distinction. He must be permitted to say that he thought the Senate had already decided the question in regard to the extension of this library by striking out the proviso of the first section and the whole of the eighth section, which provides for professors on the subject of natural sciences only.

He saw no reason for any distinction between the moral and physical sciences. If such a library as was contemplated by the honorable Senator from Massachusetts was established, there would be no danger of the physical sciences being slighted; but he hoped that these great moral and political sciences, which so intimately concern the temporal and eternal destinies of man, would have their appropriate space in this great receptacle of human knowledge.

He had been led to these remarks because his firm and solemn conviction was that we now have it in our power to do more good to this nation in our day and generation by a judicious and wise application of this \$500,000, which has been put into our hands, than by the application of the twenty-five or thirty millions we are in the habit of annually appropriating.

He was glad that it was the sense of the Senate that this subject should go back to the committee to be matured and deliberately acted upon, and that there was to be brought forward a plan of some great and noble foundation which would realize, to the fullest extent, the magnificent conception which suggested this donation. He was opposed to any limitations; he was opposed to any distinctions between the great branches of human knowledge. In the republic of letters all stood upon a platform of equality, and if we have a library at all it should be coextensive with the limits of human knowledge and with the design of the donor—“the increase and diffusion of knowledge (of all sound knowledge) among men.”

Mr. SAMUEL S. PHELPS suggested a modification of the amendment proposed by the Senator from Kentucky. It was to shape his proviso so as to say “That in the selection of such books as were necessary to form a complete library, due regard should be had to works of science,” etc.

Mr. CRITTENDEN accepted the modification.

Mr. I. C. BATES protested against any proviso which would limit the selection. It was wholly unnecessary, because no great national library could be complete without the very works alluded to.

Mr. J. M. NILES did not think it came within the purpose of the donation to establish a great national library. If the donor thought that the best way of increasing and diffusing knowledge among men,

he would have enjoined the establishment of such a library. He was in favor of a prudent limitation with regard to that branch of the institution, and should therefore submit a motion to that effect.

The question was then taken on Mr. Crittenden's amendment, as modified, and it was rejected—ayes 15, noes 21.

Mr. NILES now moved to amend the amendment, by limiting the purchase of books to \$5,000 annually.

Mr. JAMES BUCHANAN inquired if \$5,000 a year was to build up a library worthy of the donor, this nation, and this age?

The amendment was rejected.

The question now reverted on Mr. Choate's amendment, and it was adopted.

Mr. TAPPAN, before the motion to recommit was made, wished to test the sense of the Senate as to his original plan of adding some of the interest to the principal, so as to make the fund \$600,000. He therefore moved to amend the first section by adding \$91,682 out of the interest due, to the original fund, so that the investment should be \$600,000.

Mr. CHOATE objected to this as, in effect, cutting off the means for establishing a national library. The buildings for the institution, the inclosures of ground, and the purchase of objects of natural history, would possibly consume so much of the residue of interest as to leave little or none for founding the library, or erecting a suitable building for one. It might take from \$150,000 to \$200,000 for all these; but till details and estimates were properly investigated, it would not, in any case, be prudent to divert the management of this accumulated interest.

Mr. BUCHANAN thought it was desirable, if it could be done without defeating the objects intended, to increase the capital by this addition of a part of the interest.

Mr. TAPPAN put his motion in a definite form.

Mr. J. F. SIMMONS argued that, until some plan was agreed upon as to the manner of carrying out the intention of the donor, it would be highly imprudent to make a permanent investment of means that might be wanted in the accomplishment of the object.

Mr. TAPPAN urged that \$117,000 of the interest would remain, which would be as much as the managers could lay out with advantage in the first year; and for the second, they would have \$36,000 on the \$600,000. The \$6,000 would cover the expenses of lectures and experiments, leaving annually \$30,000 for collecting a library and the other purposes required of the management.

The amendment was rejected.

Mr. J. T. MOREHEAD suggested a renewal of the amendment, making the addition \$41,682 instead of \$91,862, so that the capital fund would be \$550,000, bearing an interest of \$33,000 a year.

After some conversational discussion on this point, it was agreed to let the proposition go, with the offered amendments, to the committee; and

On the motion of Mr. LEVI WOODBURY, the bill and amendments were recommitted to the Committee on the Library.

*January 16, 1845—Senate.*

Mr. BENJAMIN TAPPAN, from the Committee on the Library, reported the bill S. 18, amended.

*January 21, 1845—Senate.*

On motion of Mr. B. TAPPAN, the previous orders were postponed with a view of taking up the bill for the establishment of the Smithsonian Institution.

The bill was accordingly taken up for further consideration as in Committee of the Whole, the question being on adopting the substitute reported from the Committee on the Library, to whom had been recommitted the original bill for the purpose of having it remodeled.

This substitute provides, as the original bill did, for the investment of the principal sum received under the bequest, in the Treasury of the United States, at 6 per cent interest from the date of its reception, and for placing at the disposal of the managers the accumulated and accruing interest for the purpose of carrying out the design of the donor—the increase and diffusion of knowledge among men. The outlay of the accumulated interest is to be, as directed in the first bill, upon all necessary buildings, inclosures, purchases, and application of the grounds appropriated out of the property of the United States in the Mall, heretofore described, for the objects of the institution, the business of the institution to be conducted by a board of managers consisting of the Vice-President of the United States, the Chief Justice of the Supreme Court while in office, three members of the Senate, three members of the House of Representatives, and seven other persons not members of Congress, two of whom shall be members of the National Institute in the city of Washington and resident in said city, the other five to be inhabitants of the States, no two from the same State, the three members of the Senate to be appointed by the presiding officer of the Senate and the three members of the House by the Speaker of the House, in each House the respective members so chosen to be a standing committee on the Smithsonian Institution, and together a joint committee.

These appointments to be made on every fourth Wednesday of December, to serve for one year; vacancies to be filled as they are in the regular committees. The other seven members to serve for two years, to be chosen by joint resolution of Congress every alternate fourth Wednesday of December; vacancies to be filled in like manner whenever they occur. The managers to meet on the first Monday in May next, and fix the times of regular meetings of the board. On any application

of three members, the superintendent shall call a meeting of the board by letter to each member, five constituting a quorum. Each member of the board to be paid his necessary traveling and other actual expenses in attending meetings, which shall be audited and recorded by the superintendent.

Whenever money is required for the purposes of the institution, the superintendent, or managers, or any three, may certify to the president of the board that it is so required; whereupon he shall submit the requisition to a committee of three managers appointed for the purpose of regulating the expenditures, for examination and approval, and upon their examination and approval the president of the board shall certify the same to the proper officer of the Treasury as authority for the payment. The board to make all needful rules, regulations, and by-laws for the government of the institution and the persons employed therein, and shall submit to Congress at each session a report of the operations, expenditures, and condition of the institution. The bill then details the duties of the board in commencing operations. Among the buildings is to be one for the reception of an extensive library, equal to the first class of libraries in the world. When the necessary buildings are erected, all objects of natural history, plants, and geological and mineralogical specimens, belonging to the United States, in Washington or elsewhere, to be delivered to the institution, where they shall be arranged in such order and so classed as best to facilitate the examination and study of them; new acquisitions of the institution to be classed and arranged in like manner; the personal effects of Mr. Smithson to be kept apart and preserved separate from other property of the institution. The managers to appoint the superintendent of the institution, who is to be secretary to the board and professor of agriculture, horticulture, and rural economy; and he may, with the approbation of the board, employ such gardeners, agriculturists, and laborers as may be required for the institution. He is to make experiments to determine the utility and advantage of new modes and instruments of culture, and whether new fruits, plants, and vegetables may be cultivated to advantage in the United States, and those which shall prove worthy of adoption shall be distributed among the people of the Union. The superintendent to be paid such salary as the board may think proper, and the board may remove him and appoint another in his place whenever the interest of the institution may require it. The board is also to employ competent persons to deliver lectures or courses of lectures in the institution upon literature, science, and art, and on the application of science to art, during the sessions of Congress, commencing next session; to make regulations respecting attendance thereon; to fix the rules of compensation therefor, and to prescribe from time to time the subjects of lectures, having regard to the character of the audience before whom they are delivered and the

intent of the donor—the increase and diffusion of knowledge among men; provided, the entire expenditure for lectures shall not exceed \$5,000 a year. The managers may at their discretion cause these lectures or such of them as they desire to be printed and sold at the cost of publication. An annual expenditure of not less than \$20,000 out of the interest of the fund is authorized to be made in the purchase of books and manuscripts for the library of the institution, which library is to comprehend in due proportion, without preference or exclusion of any branch of knowledge, works pertaining to all the departments of human knowledge, as well as physical science and the application of science to the arts of life, as all other science, philosophy, history, literature, and art; and for its extent, variety, and value said library shall be worthy of the donor of the fund and of this nation and the age. The managers to employ a librarian and assistants and to fix their salaries; also to prescribe the regulations under which the library shall be kept, visited, and used. In conclusion, the bill appoints the seven managers not ex officio members as follows:

Jared P. Kirtland, of Ohio; Richard Henry Wilde, of Louisiana; George Tucker, of Virginia; George Bancroft, of Massachusetts; Henry King, of Missouri, and Joseph G. Totten and Alexander Dallas Bache, members of the National Institute and resident in Washington, as the seven members who, by the second section, would be appointed by Congress. The right of altering, amending, adding to, or repealing the act is reserved to Congress, provided that no contract or individual right made or acquired under its provisions be divested or impaired.

On motions of Mr. TAPPAN and Mr. CHOATE, two misprints in the new bill were amended.

Mr. LEVI WOODBURY remarked that most of the amendments which he had submitted on a former day to be printed had been rendered unnecessary by the changes since made in the bill by the Library Committee. But there was one defect still left in the board of managers, as he viewed the subject, and which it was desirable to have removed. He was fully sensible that any attempt to alter a bill which has twice received the deliberate consideration of a committee of this body was almost hopeless. But the subject was a novel one to us all. It was, also, not a measure of ordinary legislation, affecting the rights and property of our constituents, but the discharge of an important trust in behalf of a foreign philanthropist, and where we ought to move slowly in our deliberations, and rather confer, converse, and consult, as a real committee of the whole, instead of debate like partisans. He would, therefore, take the liberty to suggest that the board of management now proposed was imperfect in two respects—it did not contain persons enough resident at the place where their duties must be performed, and was so constituted as to be likely to render

the elections of them by the two Houses on some occasions difficult, and open to improper influences.

There would be no objection to the Vice-President and Chief Justice as members of the board, on account of the character of the present incumbents; but neither of them lived here, nor did any of the six members of Congress proposed to be appointed—nor any except two of the other managers to be selected at large. Now, as no compensation was to be given as salary or a per diem, it must be obvious that seldom would any one attend to the business, unless residing on the spot. For, though some would be here at times officially, yet we all know that it was under a pressure of other engagements likely to prevent a close attention to this trust.

What Mr. WOODBURY wished to propose instead of this was the officers of the National Institute—most of whom lived in this city, and five or six of whom consisted ex officio of the President and his Cabinet, as a public check—equal to that of the Vice-President and Chief Justice, and superior in position, as always on the spot.

This plan had the approbation of a former library committee about two years ago; and he held in his hand a bill to that effect, not acted on for want of time, and reported by a distinguished South Carolinian, now in retirement [Mr. William C. Preston].

He hoped, on reflection, it would again be found acceptable to a majority of the committee and the Senate; especially when aided by some additional provisions, which he would suggest.

In order to let others at large participate, if they pleased, and had leisure, he proposed to unite with the officers of the institute four persons from the different sections of the Union; and, to render the supervision of Congress as strong and effective as is proposed by the bill, to devolve that duty on the Library Committee—a committee already organized and talented, and peculiarly fitted, in some respects, for matters of this character.

In order, likewise, to avoid the delay and difficulties of elections by the two Houses, he proposed to have this same committee of Congress select the four members at large. The amendment he was about to propose was intended to accomplish not only these two general changes in the mode of electing, and in more convenient residence of most of the board, without any loss of fitness in station and pursuit, and without being any less under the immediate control of Congress and its committee, but to increase that control by placing all their doings, and especially the mode of drawing money from the Treasury, under increased securities, to be prescribed from time to time by the Library Committee. As the bill stood now, an account must be opened with every individual dealt with or paid; and no bonds or security were required in any case. Mr. Woodbury wished to clothe the committee of Congress with authority to remedy these defects, and not only make

the whole board of management subject to the acts of Congress and its directions given from time to time; but subject also to the constant scrutiny of the standing committee of Congress in both Houses. And so far from conferring salaries or donations on the board or on the institute, he would not give a dollar to either, except to defray actual expenses incurred in the discharge of the trust; and not allow either to draw a cent from the Treasury except in the manner and under the security which shall be prescribed by that standing committee of the two Houses.

With these explanations, he submitted the amendment he would now read:

To strike out those portions of the new bill providing for the constitution of a board of managers, and insert:

The National Institute, through its officers, not to exceed their present number, and associated with them four other scientific gentlemen from different portions of the Union, to be selected by the Joint Committee on the Library; and said committee to exercise, from time to time, a supervision and control over this board, in behalf of Congress, and see that its directions as expressed in this act or in any future act be duly carried into effect; and to prescribe safe rules to be adhered to in drawing from the Treasury and auditing all moneys whatever expended from the Smithsonian fund; and none of the said board, nor any of said committee, shall receive any compensation for their personal services on this subject from the fund aforesaid, but be paid only their traveling expenses.

Mr. JAMES BUCHANAN would be very glad if it could be accomplished (and he thought at first it might be on this amendment), to get a test vote of the Senate on the question whether Congress or the National Institute shall have the management and control of the Smithsonian library. But the amendment contained some things not necessarily involved in that test, which might be advantageously considered. He could not move an amendment, or he would, so as to separate these things.

Mr. RUFUS CHOATE said the amendment of the Senator from New Hampshire raised the precise question the Senator from Pennsylvania wished to have tested.

Mr. JAMES BUCHANAN looked upon it as a compound amendment.

Mr. TAPPAN hoped the amendment would not prevail. Although the chairman of the Library Committee some sessions back [Mr. Preston], then a Senator from South Carolina, made a report accompanied by a bill in conformity with this amendment, it was with the express understanding of the committee that not one member of it but himself was in favor of that plan or would sustain it.

Mr. CHOATE did not know that the amendment offered by the Senator from New Hampshire would not make a very good board of management; indeed, he felt nothing but respect in the highest degree for that Senator and his associates of the National Institute; as colaborers in the advancement of science and the diffusion of knowledge among

men they had already done a good deal. But he had ascertained, through various conferences in the Library Committee, that the Senator's proposition was not likely to meet that favor or support necessary to insure the success of the bill this session; on the contrary, that it would make enemies of many who would otherwise sustain the measure. Now, on this subject of constituting a board of managers—for the committee attached great importance to it—he (Mr. Choate) had given it his most anxious attention. It was the only part of the original bill to which much consideration was not given in the first instance. Since its recommitment the committee had had repeated conferences on this point, and the result has been that the plan laid down in the bill was unanimously adopted as a happy embodiment of the main principles of all former propositions, the difference of opinion in regard to which had heretofore impeded the action of Congress as to the disposition of the fund. He was prepared now to say that, unless there was some more palpable objection than had yet been made to the plan laid down in the bill, the support which it would insure could not fail of rendering the measure successful this session.

It might be necessary to say a word or two respecting the course pursued by the committee in making this arrangement. They went back to the records of all proceedings in Congress since the reception of the bequest, to ascertain the number and character of the various propositions suggested for its disposition; and having collected them all, the committee conceived they could not be mistaken in combining from the whole such general principles as would unite the greatest number of friends to the main object. Now he felt bound to say that in this the committee had succeeded beyond his most sanguine expectations. They had not, as the Senator from New Hampshire seemed to suppose, made a complex, expensive, or impracticable plan of machinery for the management of the institution; but, on the contrary, one preeminently likely to work well—economically, efficiently, and practically considered.

On reviewing all former propositions the committee found that there were two or three things in which a large majority concurred—such as, that the Vice-President and Chief Justice of the United States should be ex officio members of the board, and that they should have associated with them one or two respectable resident members of the National Institute. It was found, also, that a suggestion came from Mr. Robbins, of Rhode Island, that three members of the Senate and three of the House of Representatives should be made members of the board. Thus the committee had united whatever there was to recommend this proposition to those whose differences of opinion had heretofore impeded the action of Congress. They took for the ex officio members of the board the Vice-President and the Chief Justice of the United States. There could be no difficulty as to their appointment,

for they are already elected and always, by virtue of their office, ready to act. The committee then provided that three members of the Senate should be named by the presiding officer in the same way that he named standing committees; and that three members of the House of Representatives in like manner should be appointed by the Speaker of the House. These six members would form a joint standing committee and have charge of the institution in Congress, for the committee decided that Congress should hold in its own hands the control and supervision of the institution. Thus Congress would have the interests of the institution immediately represented on the floor of both Houses. In addition to those eight ex officio members of the board, there would be seven persons to be selected by Congress—two of them from the resident members of the National Institute, the remainder from different States of the Union. Hereafter these seven are to be elected by joint resolution of Congress every two years. This would afford an opportunity of electing gentlemen distinguished as men of science and learning, who, from the respect entertained for them, would be able to enlist the most friends for the institution and would have the best opportunities of making the citizens of the Union acquainted with its objects and advantages.

There was another consideration which he was sure would, upon reflection, have some weight with the Senator from New Hampshire, and, he hoped, induce him to forego his amendment. It was, that in looking at the two propositions with a view of ascertaining which was most republican, most democratic in principle, he would find that of the committee infinitely more so than his own. It was certainly antirepublican and antidemocratic to surrender all control of the people's representatives in respect to a trust especially committed to their custody for the people's benefit and place it in the hands of a close body like the National Institute, wholly irresponsible to either Congress or the people—a body the machinery and operations of which, so far as regarded the people, were shut out from their view and to which they could of right have no access. On the other hand, the proposition of the committee recognized especially, and in a pre-eminent degree, the complete control and supervision of the people's representatives and insured that publicity which could not fail of gaining public confidence in the management of the institution and universal approbation as to the attainment of the purpose for which the bequest was made.

Mr. WOODBURY expressed some surprise that his amendment should be attacked by the Senator from Massachusetts [Mr. Choate] as antirepublican or antidemocratic. Such an attack from that quarter was, in any view, extraordinary; but much more so when, in this very bill, in another place, six of the members of his proposed board are recommended by him to be appointed not by the two Houses of Congress

or their committee, but three by the Speaker of one and three by the President of the other, without any appeal.

But Mr. WOODBURY feared we were sliding into that species of political debate which, in a case like this, he deprecated. This was not a struggle for victory of a party or personal predilection, but to execute, in the most fit and becoming manner, a sacred trust which had been devolved on us from abroad rather than by our people.

Some gentlemen who assail the proposed amendment inadvertently seem to suppose it is a contest whether Congress or the National Institute shall control the Smithsonian fund; whereas no such question exists. The same control is left in Congress, if the amendment is adopted, as is left in it by the bill as it now stands. Indeed, the amendment increases the reserved control of Congress in one particular through the constant supervision and check of the Library Committee of the two Houses which it provides for.

After the amendment is adopted, Congress can, at any moment, abolish or amend the whole board, can give to it any special instructions by resolution or act, and can, by its committee, give any directions, which by this very amendment are to be enforced by the board and institute, rather than either of them being made independent of Congress.

It seems, also, to be apprehended by some gentlemen that the National Institute is to have a great donation of property, as well as power, by this amendment; when, in truth, no power is bestowed except conditionally, and which is not kept constantly under the control of Congress; and not a dollar of property, directly or indirectly, is given to the institute.

Indeed, no property is given to the institute or anybody else. The library, buildings, etc., all remain in Congress as trustee for the fund. The board of managers, including the institute, are mere executive or ministerial agents to carry out our directions, and own no more of the property itself than the captain in the Navy owns of the ship of war in his charge. It is rather a burden imposed on the board and institute, as they not only acquire no property, but their services, which have so long and decidedly been given to letters and science without any pay, are all, by my amendment, to continue to be gratuitous.

The difficulty will be rather in getting gentlemen of suitable character to devote their time at all to this subject under these circumstances than in preventing them from profiting in a pecuniary point of view. It is this apprehended difficulty which will in part be removed by taking more managers resident here who can attend to the business in rotation or otherwise at less inconvenience and loss than those from a distance.

Again, it is said that the form of a resolution in elections avoids any dispute. How so? Suppose that the gentleman named in the bill

from Ohio was moved to be stricken out, and that of the member of the Library Committee from Ohio [Mr. Tappan] be substituted, as seemed to Mr. Woodbury proper; might it not give rise to debate as to their respective characters and fitness? So of every other member proposed, though all doubtless were very suitable men.

Other gentlemen seem to fear an abuse of the trust by these agents under the amendment, when the very object and terms of it are to increase the guards against abuse, through one of our own committees, and its supervision and regulations; and when the position of the institute and board under it, instead of being antagonistic to Congress or independent of it is made to be in more entire subordination to it, and is hemmed around by stronger safeguards against any possible departure from its commands or wishes. He was anxious that, while the Smithson fund came from a stranger and abroad rather than from among ourselves, and hence gave no cause for national pride or boasting, but rather was mortifying to our own backwardness in such an object, we should at least be vigilant over its use, remedy defects as to its efficiency—which we may by this amendment—and add something to our national character by the appropriate manner of managing the whole trust, though, unfortunately, we have had no lot nor part in creating it or liberally adding to it.

Mr. BUCHANAN observed that he had but very few words to say on this subject. According to the will of the donor this fund was to be distributed for the “increase and diffusion of knowledge among men.” Considering our peculiar position in the District of Columbia, he (Mr. Buchanan) had arrived at the conclusion that the best mode of distributing this fund was by the purchase of a great library. Indeed, he could imagine no other. If (said Mr. Buchanan) you attempt to establish a literary institution here, with the great expense attendant upon living in this District, and from other causes which I need not enumerate, this fund in its benefits would be confined to a very small portion of the people of this country. From the very nature of our Government and the condition of the people of this country, we could never expect to erect in our day a library to compare with the great European libraries, except by the application of this fund to that purpose. It was impossible, everybody knew, for any of our citizens who proposed to write a history, or any other work that required an examination into ancient books and authorities, to do so without going to Europe for that purpose. Now, he believed that an extensive library, in which all the means of human knowledge should be collected, and in which they should be equally open to all the citizens of this country, was the very best mode in which to apply the money so liberally bequeathed by Mr. Smithson for the “increase and diffusion of knowledge among men.” He was clearly of that opinion, but he had no idea of making a speech upon the subject. The question now before

the Senate resolved itself into a very simple proposition, and that was, Shall Congress retain and direct the immediate and efficient control of this fund and of its application, or shall it be administered through the agency of the National Institute? That was the question, and on the decision of the question his own vote might depend. Now, he entertained all proper respect for the members of this institute, and he believed it had been already instrumental in diffusing knowledge among men, but he thought Congress was bound to keep the application of this fund distinct from that or any other literary incorporated body. What was proposed by his honorable friend from New Hampshire [Mr. Woodbury] in the amendment under consideration? Why, to connect the National Institute with the Smithsonian library—to form a sort of partnership between the two. The National Institute is to hold its meetings in a room in the building to be erected for the use of the Smithsonian library. This was in the printed amendment, and would be the inevitable consequence of intrusting the management of this fund to that institute. In a great national institution like the Smithsonian library, calculated for the benefit of the whole people of the country, he desired to keep it clear or detach it and keep it distinct from the National Institute or any other literary corporation whatever. Congress ought to take upon itself the immediate control of this library. It would never succeed unless this course should be pursued.

For one, he was not acquainted with the rules of the National Institute, and he did not know in what manner the managers of that institute were elected; but the proposed amendment placed the direction and supervision of the library in the hands of managers not elected by Congress, not responsible to Congress, and over whom the people of this country, by their representatives, could have no control whatever. Congress was undoubtedly capable of administering this fund without the aid of the National Institute, and it was their duty to do so.

Without, therefore, troubling the Senate with any further observations, he should certainly go for separating the operations of this library from those of the National Institute, wishing and hoping that that institute might have all the success which he believed it so well deserved, and if it should be made a rival in disseminating knowledge among men with the library, well and good. The more knowledge communicated, the better for the people of this country. He, therefore, should vote against the amendment of the honorable Senator from New Hampshire [Mr. Woodbury], and, although there were some provisions in the bill to which he might object, he would vote for it, nevertheless, should it remain substantially as it came from the Committee on the Library.

MR. WILLIAM ALLEN said he should vote against this or any other proposition whatever, contemplating a connection of anything called an

institution with the public Treasury of the country, in any form or shape. This title, "National Institute," sounded large, and at a distance was calculated to produce a great impression upon the public mind. What was it? Some years ago a few gentlemen of this city got together and concluded to form a literary and scientific association among themselves. Well, that thing has been done in every city, and in most of the villages and towns of the United States, from little debating societies composed of young men, up to literary associations composed of gray-headed men. All of these associations, of which there are so many in this country, were like that in the city of Washington, formed in the same way, and were mere voluntary associations of man with man. But this association in Washington City, finding a Capitol here and a public Treasury here, called itself a National Institute; and, in order to legalize its claim to that pompous title it asked Congress to give it a corporate existence by a solemn law. After they got associated in the public mind the idea of its nationality, they succeeded in getting a law passed giving it a legal existence, and then they began to enter into the organization and to claim a part in the administration of the Government. That institute came here with the very instinct of all corporations—to get its hands into the public Treasury of the country by a process of induction. It proceeded with that modesty and imposing humility which characterize the movements of all corporations. It began by obtaining the temporary charge of objects of science belonging to the Government; and being intrusted with the custody of that part of the public property which resulted from the exploring expedition, there was a motion made toward the public Treasury. Having proceeded so far, it proceeded a few years after to ask Congress to pay it moneys out of the public Treasury, and for what? For its care of these very articles of public property which, as a favor of the Government, it had asked to be intrusted with the care of.

The Senate, which sat here for its constituents, was nevertheless so unjust, in his judgment, as to tempt this corporation to its present advances by the fatal step of making for it a public office and paying it \$5,000 for the favor which the institution had asked in the privilege of taking care of the articles resulting from the exploring expedition. He opposed that bill at the time it was upon its passage through the Senate; and he then said—what was now seen—that the attraction of this corporation was toward the public Treasury.

We are now intrusted with a fund of some half a million of dollars. It is intrusted to the care of the Congress of the United States; whether by the Constitution or by Mr. Smithson it is now immaterial. The money is obtained, and the question is decided that Mr. Smithson could extend the limits of the Constitution by a request in his will and place at the disposal of Congress moneys for objects which the Constitution

knows not. You got the money; it is now in the public Treasury, or ought to be, and was as much subject to the constitutional action of Congress as any other moneys of the Treasury; and for that action alone, and in the name of the Smithsonian Institution, this National Institute comes here to ask Congress to give it the exclusive administration of half a million of the public money. This could be answered by the general charge that no moneys ought to be drawn out of the public Treasury except by the appropriation of law, and that Congress has no right to intrust the administration of the public funds to any functionary of this Government, much less to an irresponsible agent, unknown to the Constitution of the United States, calling itself a National Institute. If we had a right, he would be opposed to this bill, for he could say that within his reading and his observation he had never known a single instance of a fund of money, charitable or otherwise, being intrusted to the care of an incorporated body of men that was not squandered and made to fall short of the object of the donor. It was the instinct of these machines called corporations, and it was impossible for it to be otherwise. Intrust this corporation with the administration of this fund, and it would be just as much throwing it away as to throw it into the mud banks of the Potomac. All these corporations are filled with law—they are but the incorporation of laws; and never, without an exception, either in English history or ours, with regard to the administration by corporations, was there an instance where the corporation had not consumed the fund or squandered it away and caused it to fall short of the object of the donor. The Girard folly in Philadelphia was an instance of this fact. There might be found thousands of instances in the reports made to the British Parliament by those charged with the investigation of these subjects; and in many instances not only the income but the principal was consumed in paying the administrators. It was always so. This society in Washington City, which calls itself a National Institution, has no more right to the direction and control of this fund than the Wistar Club in Philadelphia—an institution established there by an able physician of that name—or any literary society in the East or West, of which there were great numbers, as he had before stated.

It is said that this fund is to be applied in the District of Columbia. That very idea gave rise to the origin of the National Institute, he had no doubt. Here was a fund to be expended here; and of course there must be somebody to receive it, and what so handy as a corporation? What so convenient as to take into its hands a fund of money which has to be expended? What so convenient as a corporation got up for the purpose of receiving it? And what was better calculated to lead Congress into their object than to take the title of national? National! A word always dear to the American people—so dear that many an inn, tavern, and eating house throughout the country bore the title,

and he believed there was an establishment somewhere in town here which bore upon its sign "The National Eating House!" Now, as to the formation of a society for the increase and diffusion of knowledge, that was well enough; but he did not want to see these things take a literary and scientific name for the purpose of thrusting their hands into the Treasury. He did not want to see corporations of men under high-sounding titles, and professing beneficial objects, formed in this capital with a view to enter into the control of public funds. He saw no reason why we should not give the control of this fund to some literary institution in Philadelphia or Boston with as much propriety as to the National Institute.

The Constitution did not give us charge of the mind and genius of the American people. It was the privilege of a despot, not of a free government, to control the mind and direct the genius of the people; and he wished to see no institution for that purpose established in the capital of the United States, by which the American people are to think, and read, and speak. Gentlemen were mistaken if they imagined that, because such institutions exist in France and other parts of Europe, they were doing a service to the American people in undertaking to pursue the same course in this country, or under our Government. Our Government is the creature of the public mind, and not the creator. In Europe, where monarchies, crowns, and thrones sustain themselves by controlling the thoughts of the people, it is different; but our Government stands upon the thoughts of the people, and is controlled by them. We have no right to presume that the people are so ignorant that we ought to legislate for enlightening them. We are here to receive their instructions, not to impart instruction to them. It is no part of our duty to do so. It is presumption in us to assume the duty.

On these grounds, and others which Mr. Allen enforced with great energy, he not only opposed the amendment, but signified his intention of voting against the whole project.

Mr. R. J. WALKER said that, on this occasion, he was likely to be placed in a small minority. In relation to the denunciation which the Senate had just heard upon this floor of the National Institute, and the charge that it commenced out of a desire to monopolize the Smithsonian fund, he need only to say that it commenced long before that fund was received. It originated with a distinguished member of the Cabinet of Mr. Van Buren, now in honorable retirement; and from no individual did it receive more encouragement, or stronger marks of approbation, than from ex-President Van Buren himself, by numerous valuable presents, and by every other means in which he could manifest his regard. He [Mr. Walker] thought, therefore, notwithstanding the difference of opinion between his friend from Massachusetts [Mr. Choate] and his friend from New Hampshire [Mr. Woodbury] as to

which is the most democratic—and he really rejoiced that his friend from Massachusetts was claiming to be democratic, for it was a good symptom of the progress of democracy—and, notwithstanding all that was said by his friend from Ohio [Mr. Allen], he was bound to say that the individuals who originated this institution were eminently democratic. He did not see that the amendment offered by the Senator from New Hampshire proposed that the National Institute should have one dollar of the Smithsonian fund, or of any fund whatever. He believed it provides that the whole payments to be made are to be made by the Treasury; and that all the National Institute is to do, as regards this matter, in connection with the four other individuals named, is to be done under the direction of a committee of this body, and subject every year to the modifications and regulations, and subject to the supervision and control, of the Government of the United States. He rejected the idea, as one utterly erroneous, that the amendment of the Senator from New Hampshire proposes that the National Institute shall take any portion of this fund, or that it proposes even that it shall have the administration of it. It is not to receive a solitary dollar. It is not to disburse either the Smithsonian fund, or any other fund whatever, under this amendment. The Smithsonian fund is all to be administered by the Treasury Department—to be paid out by that department; and all that is to be done by this amendment is, to provide that there may be some supervision of these drafts before they are presented to the Treasury Department.

He should really like to know, inasmuch as there was to be a discussion here upon politics generally, which of the two is the more democratic—the Smithsonian Institution or the National Institute? The Smithsonian Institution originated from an individual in England, entirely foreign—the very name is foreign. How was it with the National Institute? It sprang from the people. It bears a name that is dear to the people; and it has received the manifest encouragement of the people of the United States. He spoke now not merely of the colleges scattered all over the Union that had contributed to its aid and support. He spoke not merely of the scientific men who assembled at this Capitol not long since and gave it their encouragement and support; but he spoke of the people in the humblest walks of life, scattered all over this Union—residing in every State of the Union—who, from year to year and month to month, had forwarded presents. And why is it that this institute is dear to the American people? Because it is national—because it is American. They wish to see an institution here bearing the name of the nation, which shall give to the United States the same happy range in science that this Government has done in political affairs.

And let him tell gentlemen that an institution that is merely called Smithsonian can never concentrate in the same degree the affections

and confidence of the American people. Still he admitted that it must be called the Smithsonian Institution, nor did he propose that it should be called by any other name. But the question was, whether the individuals who were named in the bill now under consideration, as regarded the Smithsonian Institution, would better carry out the object of Mr. Smithson than the National Institute. It was a mere difference of opinion as to how the fund could be best administered. But, if there was any objection to a corporation, would not the Smithsonian Institution be a corporation? He was sure his honorable friend from Massachusetts [Mr. Choate] would not deny that it was at least what was in law called a quasi corporation; and he supposed his honorable friend from Ohio [Mr. Allen] would admit that it would not be more democratic by making it a quasi corporation. He supposed it could institute suits and legal proceedings. Who are the persons that would have charge of this under the National Institute? Who are the directors? There was the President of the United States. Was not that democratic? Is he not the only man in our Government who is elected by the whole people of the whole Union? And who, together with him, constitute a majority of the directors? Why, the Cabinet, deriving their appointment directly and immediately from the Chief Magistrate, who is himself the chosen of the whole American people. Was that less democratic than committing the administration of this fund to those intrusted with it in the bill? He thought, so far as the democracy of the thing was concerned, that the administration of this fund by the National Institute was quite as democratic as it could be by any other mode.

But those who have charge of this fund under the National Institute will be always here. They are to contribute their valuable services and time to the administration of this fund, and they are not to receive one solitary dollar for those services. He believed that by committing to this institute the administration of this fund, two main objects would be accomplished. In the first place, it would best accomplish the intention of the donor; and, in the second, he believed it would also give additional permanency to, and aid the National Institute. Therefore, notwithstanding the denunciation of his friend from Ohio [Mr. Allen], and notwithstanding the honorable Senator from Massachusetts [Mr. Choate] considered his plan much the best and much the more democratic, he [Mr. Walker] should feel himself constrained to vote, in a small minority, he supposed, for the amendment proposed by his honorable friend from New Hampshire [Mr. Woodbury].

Mr. H. A. FOSTER, of New York, rose not to discuss the measure, but to suggest what appeared to him to be a deficiency in the bill, namely, the want of some provision for the permanency of the system of management which experience should prove to be best. In the proper time he would submit an amendment, the object of which

would be that there should be only one of the seven additional members over the ex officio members elected annually, so that in the course of time each would serve seven years.

Mr. J. W. HUNTINGTON opposed the amendment of the Senator from New Hampshire.

The amendment to the amendment was rejected.

Mr. H. A. FOSTER, of New York, now submitted his amendment, as follows:

And Jared P. Kirtland of Ohio, Richard Henry Wilde of Louisiana, George Tucker of Virginia, George Bancroft of Massachusetts, Henry King of Missouri, and Joseph G. Totten and Alex. Dallas Bache, members of the National Institute, resident in Washington City, be the other seven members, who shall, by lot, fix the term of their office so that the term of one of them shall expire in one year; of another, in two years; of another, in three years; of another, in four years; of another, in five years; of another, in six years; and of the other, in seven years from the first day of December next, after the passage of this act. And any vacancy happening otherwise than by the expiration of the term shall be filled for the remainder of the term on the fourth Wednesday of December next after the vacancy occurs.

Mr. FOSTER urged at some length the propriety of this provision.

Mr. TAPPAN opposed the provision as unnecessary, as there could be no doubt of the reelection of such members as proved by their services to be most valuable to the Institution.

Mr. CHOATE pointed out how much better it would be for the interests of the Institution to have short terms of election, as that would stimulate managers, who would feel their ambition excited by the honor of their trust, to exertions worthy of their reelection.

The amendment to the amendment was rejected.

Mr. ALLEN moved to strike out the words "members of the National Institute," by which two of the nominees in the bill were designated.

The amendment was rejected.

On motion by Mr. CHOATE, the fourth Wednesday in December, in the bill, was changed to the third Wednesday in December, lest sometimes the fourth Wednesday might fall on Christmas day.

Mr. WOODBURY withdrew the printed amendments he had on a former day offered, the necessity for them having been obviated by alterations in the bill.

The amendment of the substitute, as amended, was then adopted, and the bill was reported back to the Senate.

Mr. J. McP. BERRIEN, before the bill was allowed to pass the stage of amendment, suggested the necessity of considering whether a section would not be necessary authorizing the Institution, in respect to the property it would possess by the grant of the public grounds, to sue and be sued. It might be a question whether the Government would be the ostensible party in a suit.

Mr. CHOATE conceived the property in the ground would still vest in the Government; but, for the purpose of having time to add a small

section to avoid any possible difficulty, he would have no objection to passing over the bill informally till to-morrow.

The amendments made in Committee of the Whole were then concurred in.

*January 22, 1845—Senate.*

The Senate resumed the consideration of the bill S. 18, and further amended it.

*January 23, 1845—Senate.*

The bill S. 18 passed.

*January 27, 1845—House.*

Message from the Senate that bill S. 18 had passed.

Mr. EDMUND BURKE asked the unanimous consent of the House to refer this bill to the Committee of the Whole, but objection was made.

*January 28, 1845—House.*

On motion of Mr. EDMUND BURKE, bill S. 18 was committed to the Committee of the Whole.

*February 10, 1845—House.*

Mr. ROBERT DALE OWEN submitted an amendment to, or substitute for, S. 18; which was committed to the Committee of the Whole.

On motion by Mr. OWEN, the committee took up the bill to establish the Smithsonian Institution, and, after some remarks from Mr. J. Q. Adams, Mr. Owen, and others, Mr. ADAMS moved that the bill be laid aside; which was agreed to.

*March 3, 1845.*

A joint resolution (No. 14) was signed by the President:

That whenever any State shall have been, or may be, in default for the payment of interest or principal on investments in its stocks or bonds, held by the United States in trust, it shall be the duty of the Secretary of the Treasury to retain the whole, or so much thereof as may be necessary, of the percentage to which such State may be entitled, of the proceeds of the sales of the public lands within its limits, and apply the same to the payment of said interest or principal, or to the reimbursement of any sums of money expended by the United States for that purpose.

[Stat., V, 801.]

[This had reference to the States in which the Smithsonian fund had been invested.]

*March 3, 1845—House.*

Mr. EDMUND BURKE offered resolution:

*Resolved*, That all debate in the Committee of the Whole House on the state of the Union on Senate bill 18 to establish the Smithsonian Institution shall cease in ten minutes after the same shall be again taken up in committee (if the committee shall not sooner come to a conclusion upon the same); and the committee shall then proceed to vote on such amendments as may be pending, or offered to the same, and shall then report it to the House with such amendments as may have been agreed to by the committee.

The resolution was read; when Mr. GEORGE W. JONES moved that it be laid upon the table.

And the question being put, it was decided in the affirmative—yeas, 83; nays, 52.

The yeas and nays being desired by one-fifth of the members present, the vote was—

**YEAS**—Messrs. Adams, Arrington, Barringer, Belser, Benton, Bidlack, James A. Black, Bowlin, Boyd, Brengle, Brodhead, Jeremiah Brown, Caldwell, Carpenter, Shepherd Cary, Carroll, Causin, Reuben Chapman, Augustus A. Chapman, Chappell, Clinch, Clinton, Cobb, Coles, Cranston, Cullom, Darragh, Dawson, Dickey, Dunlap, Ficklin, Fish, Grinnell, Hammett, Henley, Hoge, Hopkins, Houston, Hubbard, Hubbell, Hudson, Hungerford, Washington Hunt, Irvin, Jenks, Cave Johnson, Perley B. Johnson, George W. Jones, Preston King, Lumpkin, McIlvaine, Isaac E. Morse, Moseley, Norris, Parmenter, Payne, Phoenix, Pratt, Purdy, Rathbun, Reding, Relfe, Rhett, Ritter, Robinson, Rogers, Russell, Severance, Simons, Slidell, Thomas Smith, Sykes, Taylor, Thomasson, Thompson, Tilden, Tucker, Tyler, Wethered, Benjamin White, Williams, William Wright, Yost.

**NAYS**—Messrs. Abbott, Bayly, Edward J. Black, Bower, Brinkerhoff, Aaron V. Brown, Burke, Catlin, Chilton, Clingman, Collamer, Cross, Dana, Daniel, Richard D. Davis, Dellet, Dillingham, Dromgoole, Foot, Foster, French, Hamlin, Harper, Andrew Kennedy, D. P. King, Leonard, Lucas, Maclay, McClelland, McDowell, McKay, Marsh, Edward Joy Morris, Newton, Owen, Paterson, Emery D. Potter, David S. Reid, Rockwell, St. John, Sample, Saunders, Thomas H. Seymour, Albert Smith, Robert Smith, Steenrod, Andrew Stewart, John Stewart, Stiles, Alfred P. Stone, Vinton, Winthrop.

#### EXPLORING EXPEDITION.

*June 17, 1844.*

Civil and diplomatic act for 1845.

For continuing the preparation and publication of the Narrative and Account of the Exploring Expedition, \$40,000.

For the publication, under the direction of the Secretary of the Navy and of the Secretary of the Treasury, of such of the maps of the exploring expedition as, in their judgment, will be serviceable to the Navy and the commerce of the country, \$2,000.

To defray the expenses of taking care of and preserving the botanical and horticultural specimens brought home by the exploring expedition, and for the salary of the keeper of and enlarging the greenhouse under the direction and control of the Joint Committee on the Library, \$2,200 .....

\$44,200

(Stat., V., 691.)

*February 20, 1845.*

*Resolved, etc.,* That as each part of the work now in course of publication on the “Exploring Expedition” shall be completed, fifty-eight copies of the same shall be delivered to the Secretary of State, to be distributed as follows, that is to say: To each of these United States, one copy; to the Government of France, two copies; Great Britain, two copies; Russia, two copies; and one copy each to Sweden, Denmark, Prussia, Austria, Bavaria, the Netherlands, Belgium, Portugal, Spain, Sardinia, Greece, Tuscany, the Ecclesiastical States, the two

Sicilies, Turkey, China, Mexico, New Granada, Venezuela, Chili, Peru, the Argentine Republic, Brazil, Texas, and the Sandwich Islands; and one copy to the Naval Lyceum in Brooklyn, New York.

SEC. 2. *And be it further resolved*, That one copy of said work be given to Charles Wilkes, esquire, the commander of said expedition; one copy to William L. Hudson, esquire, and one copy to Cadwallader Ringold, esquire, commandants of vessels in said expedition.

SEC. 3. *And be it further resolved*, That two copies of said work be placed in the Library of Congress, and that the residue of said work shall be delivered to the Librarian, to be by him preserved for future distribution.

(Stat., V., 797.)

March 3, 1845.

Civil and diplomatic act for 1846.

For completing the publication of the work on the "Exploring Expedition," including the printing of an extra number of charts, and for the salary of the horticulturist, \$10,000.

(Stat., V., 761.)

## TWENTY-NINTH CONGRESS, 1845-1847.

### BEQUEST OF JAMES SMITHSON.

December 4, 1845—House.

Mr. R. D. OWEN gave notice of a bill to establish the Smithsonian Institution.

December 19, 1845—House.

Mr. R. D. Owen's bill, H. 5, was read a first and second time, and referred to a select committee of seven members, viz: Mr. Robert D. Owen, Mr. John Q. Adams, Mr. Timothy Jenkins, Mr. G. P. Marsh, Mr. Alexander D. Sims, Mr. Jefferson Davis, and Mr. David Wilmot.

January 9, 1846—House.

Mr. R. D. OWEN, from the select committee, reported a resolution that the bill referred to the committee be printed; agreed to.

February 28, 1846—House.

Mr. R. D. OWEN, from the select committee to which was referred the bill H. 5, reported a substitute for said bill; and thereupon Mr. Owen offered the following resolution:

*Resolved*, That this report be printed; that the substitute herewith reported be referred to the Committee of the Whole on the state of the Union, and be printed separately in the form of a bill; and that the same be made the special order of the day for the second Tuesday in April next.

Mr. GEORGE S. HOUSTON called for a division of the question, so as to take a separate vote on the proposal to make it the special order for a particular day; which was ordered.

H. Doc. 732—21

And the question on the first branch of the resolution was taken, and decided in the affirmative.

So the bill was referred to the Committee of the Whole on the state of the Union.

And the question recurring on the second branch of the resolution,

Mr. OWEN said: I hope the House will suffer me to say one word on the subject. The money appropriated by this bill has been in our Treasury between seven and eight years; and, in all that time, not a dollar of it has been used in accordance with the will of the testator. We can not suppose Congress unwilling to act in such a matter. It has heretofore failed, because, in the conflict on other important subjects, it was delayed, and remained among the unfinished business. This will again be its fate unless we make it the special order for some day. The committee put it off until April. If even that be too early, let a later day be named. But at all events, let some day be fixed when we may know that the subject will be taken up; so that we at last escape the just reproach of receiving money for one of the best purposes on earth, and then doing nothing with it.

The question was then taken on the second branch of the resolution, and decided in the affirmative—two-thirds voting therefor.

So the bill was made the special order of the day for the second Tuesday in April next.

Mr. R. D. OWEN, from the select committee on the Smithsonian bequest, made the following report:

The select committee on the Smithsonian bequest, to whom was referred House bill No. 5, entitled a "bill to establish the Smithsonian Institution, for the increase and diffusion of knowledge among men," have had the same under consideration, and have instructed me to report the same back with one amendment. The bill, as it was referred to them, reads as follows:

A bill to establish the "Smithsonian Institution," for the increase and diffusion of knowledge among men.

Whereas James Smithson, Esquire, of London, in the Kingdom of Great Britain, by his last will and testament, did give the whole of his property to the United States of America, to found at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men; and whereas Congress have heretofore received said property and accepted said trust: Therefore, that the same may be executed in good faith, and according to the will of the liberal and enlightened donor—

*Be it enacted, etc.* That so much of the property of the said James Smithson as has been received in money, and paid into the Treasury of the United States, being the sum of \$515,169, be lent to the United States Treasury, at six per cent per annum interest, from September 1, 1838, when the same was received into the said Treasury, and that so much of the interest as may have accrued on said sum on the first day of July next, which will amount to the sum of \$242,129, or so much thereof as shall by the board of managers of the Institution established by this act be deemed necessary, be, and the same is hereby, appropriated for the erection of suitable buildings, the enclosing and preparing of suitable grounds, and for other current incidental expenses

of the said Institution; and that six per cent interest on the said trust fund, it being the said amount of \$515,169, received into the United States Treasury, on September 1, 1838, payable, in half-yearly payments, on the first of January and July in each year, be, and the same is hereby, appropriated for the perpetual maintenance and support of said Institution; and all expenditures and appropriations to be made, from time to time, to the purposes of the Institution aforesaid, shall be exclusively from the accruing interest, and not from the principal of the said fund.

SEC. 2. *And be it further enacted*, That the business of the said institution shall be conducted by a board of managers, to be composed of the Vice-President of the United States, the Chief Justice of the United States, during the time for which they shall hold their respective offices; three members of the Senate and three members of the House of Representatives, together with seven other persons, other than members of Congress, two of whom shall be members of the National Institute in the city of Washington, and resident in the said city; and the other five thereof shall be inhabitants of States, and no two of them of the same State. And the managers, to be selected as aforesaid from Congress, shall be appointed immediately after the passage of this act—the members of the Senate by the President thereof, and the members of the House by the Speaker thereof; and those so appointed shall serve until the fourth Wednesday of December, the second next after the passage of this act; and then, and biennially thereafter, on every alternate fourth Wednesday of December, a like number shall be appointed in the same manner, to serve until the fourth Wednesday of December, the second succeeding their appointment; and they shall also constitute and be denominated a joint standing committee of Congress on the Smithsonian Institution; and vacancies occasioned by death, resignation, or otherwise, shall be filled as vacancies in committees are filled; and the other seven managers aforesaid shall serve for the term of two years from the fourth Wednesday of December next after the passage of this act; when, and on every alternate fourth Wednesday of December thereafter, a new election thereof shall be made by a joint resolution of Congress; and vacancies occasioned by death, resignation, or otherwise, may be filled in like manner by joint resolution of Congress. And the said managers shall meet and organize, by the choice of a president, in the city of Washington, on the first Monday in September next after the passage of this act, and they shall then fix on the times for regular meetings of the board; and on application of any three of the managers to the superintendent of the said Institution, it shall be his duty to appoint a special meeting of the board, of which he shall give notice by letter to each of the members; and at any meeting of the board of managers, five shall constitute a quorum to do business. And each member of the board of managers shall be paid his necessary traveling and other actual expenses in attending meetings of the board, which shall be audited and recorded by the superintendent of the Institution; but his service as manager shall be gratuitous. And whenever money is required for the payment of the debts or performance of the contracts of the Institution, incurred or entered into in conformity with the provisions of this act, or for making the purchases and executing the objects authorized by this act, the superintendent or the managers, or any three thereof, may certify to the president of the board that such sum of money is required; whereupon, he shall submit the same to a committee of three of the managers appointed for that purpose for examination and approval; and upon such examination and approval, he shall certify the same to the proper officer of the Treasury for payment. And the said board shall make all needful rules, regulations, and by-laws for the government of the Institution and the persons employed therein, and shall submit to Congress, at each session thereof, a report of the operations, expenditures, and condition of the Institution.

SEC. 3. *And be it further enacted*, That after the board of managers shall have met, and become organized, it shall be their duty forthwith to proceed to select suitable sites for such buildings as may be necessary for the Institution, and suitable ground

for horticultural and agricultural purposes and experiments; which ground may be taken and appropriated out of that part of the public ground in the city of Washington called the Mall, lying west of Seventh street; and the sites and grounds so selected shall be set out by proper metes and bounds, and a description of the same shall be made and recorded in a book to be provided for that purpose, and signed by the said managers, or so many of them as may be convened at the time of their said organization; and such record, or a copy thereof, certified by the president of the board of managers, shall be received in evidence in all courts of the extent and boundaries of the lands appropriated to the said Institution; and upon the making of such record, such sites and lands shall be deemed and taken to be appropriated by force of this act to the said Institution.

SEC. 4. *And be it further enacted*, That, so soon as the board of managers shall have selected the site for the buildings of the Institution, they shall cause to be erected a suitable building, of plain and durable materials and structure, without unnecessary ornament, and of sufficient size, and with suitable rooms or halls for the reception and arrangement, upon a liberal scale, of objects of natural history, including a geological and mineralogical cabinet; also a chemical laboratory, a library, and the necessary lecture rooms; and the said board shall have authority, by themselves, or by a committee of three of their members, to contract for the completion of such building, upon such plan as may be directed by the board of managers, and shall take sufficient security to the Treasurer of the United States for the building and finishing the same according to the said plan, and in the time stipulated in such contract. And the board of managers shall also cause the grounds selected for horticultural and agricultural purposes to be enclosed and secured, and suitable buildings erected, to preserve such plants as will not bear exposure to the weather at all seasons; and so soon as it may be necessary for the accommodation of the persons employed in said Institution, the said board of managers may cause to be erected on the grounds of the Institution such dwelling houses and other buildings, of plain and substantial workmanship and materials, to be without unnecessary ornament, as may be wanted: *Provided, however*, That the whole expense of the buildings and enclosures aforesaid shall not exceed the amount of the interest which will have accrued on the principal sum and fund on the first day of July next, to wit, the sum of \$242,129; which sum is hereby appropriated, payable out of money in the Treasury not otherwise appropriated; together with such sum or sums out of the annual interest accruing to the Institution, as may, in any year, remain unexpended, after paying the current expenses of the Institution: *And provided, further*, That the expenditure for enclosing and securing grounds, and erecting buildings to prevent plants from exposure, shall not exceed the sum of \$20,000. And all such contracts as may be made by said board of managers shall be deposited with the Treasurer of the United States; and all questions which may arise between the United States and any person claiming under and by virtue of any such contract shall be heard and determined by said board of managers, and such determination shall be final and conclusive upon all parties; and all claims on any contract made as aforesaid shall be allowed and certified by the board of managers, or a committee thereof, as the case may be, and, being signed by the president of the board, shall be a sufficient voucher for settlement and payment at the Treasury of the United States. And the board of managers shall be authorized to employ such persons as they deem necessary to superintend the erection of the buildings and fitting up the rooms of the Institution. And all laws for the protection of public property in the city of Washington shall apply to, and be in force for, the protection of the lands, buildings, and other property of said Institution; and all prosecutions for trespasses upon said property, and all civil suits on behalf of said Institution, shall be prosecuted in the name of the United States in any court having competent jurisdiction of the same.

SEC. 5. *And be it further enacted*, That, in proportion as suitable arrangements can

be made for their reception, all objects of foreign and curious research, and all objects of natural history, plants, and geological and mineralogical specimens belonging or hereafter to belong to the United States, which may be in the city of Washington, in whosoever custody the same may be, shall be delivered to such persons as may be authorized by the board of managers to receive them, and shall be arranged in such order, and so classed, as best to facilitate the examination and study of them, in the buildings so as aforesaid to be erected for the Institution; and the managers of said Institution shall afterwards, as new specimens in natural history, geology, or mineralogy may be obtained for the museum of the Institution by exchanges of duplicate specimens belonging to the Institution (which they are hereby authorized to make), or by donation, which they may receive, or otherwise, cause such new specimens to be also appropriately classed and arranged. And the minerals, books, manuscripts, and other property of James Smithson, which have been received by the Government of the United States, and are now placed in the Patent Office, shall be removed to said Institution and shall be preserved separate and apart from the other property of the Institution.

SEC. 6. *And be it further enacted*, That the managers of said Institution shall appoint a superintendent, whose duty it shall be to take charge of the ground, buildings, and property belonging to the Institution, and carefully preserve the same from injury; and such superintendent shall be the secretary of the board of managers, and shall, under their direction, make a fair and accurate record of all their proceedings, to be preserved in said Institution; and the said superintendent shall also discharge the duties of librarian and of keeper of the museum, and may, with the consent of the board of managers, employ an assistant; and the said managers shall appoint a professor of agriculture, horticulture, and rural economy, and the said professor may hire, from time to time, so many gardeners, practical agriculturists, and laborers as may be necessary to cultivate the ground and keep in repair the buildings of said Institution; and he shall make experiments to determine the utility and advantage of new modes and instruments of culture, to determine whether new fruits, plants, and vegetables may be cultivated to advantage in the United States; and all such fruits, plants, seeds, and vegetables as shall be found useful, and adapted to any of our soils and climates, shall be distributed among the people of the Union; and the said officers shall receive for their services such sum as may be allowed by the board of managers, to be paid semiannually on the first day of January and July; and the said officers, and all other officers of the Institution, shall be removable by the board of managers whenever, in their judgment, the interests of the Institution require any of the said officers to be changed.

SEC. 7. And whereas the most effectual mode of promoting the general diffusion of knowledge is by judiciously conducted common schools, to the establishment of which throughout the Union much aid will be afforded by improving and perfecting the common school system of the country, and by elevating the standard of qualification for common school teachers; and whereas knowledge may be essentially increased among men by instituting scientific researches, and, generally, by spreading among the people a taste for science and the arts—

*Be it further enacted*, That the board of managers shall establish a normal branch of the Institution, by appointing some suitable person as professor of common school instruction, with such other professors, chiefly of the more useful sciences and arts, as may be necessary for such a thorough, scientific, and liberal course of instruction as may be adapted to qualify young persons as teachers of common schools, and to give to others a knowledge of an improved common school system, and also, when desired, to qualify students as teachers or professors of the more important branches of natural science. And the board of managers may authorize the professors of the Institution to grant to such of its students as may desire it, after suitable examination, certificates of qualification as common school teachers, and

also as teachers or professors in various branches of science; they may also employ able men to lecture upon useful subjects, and shall fix the compensation of such lecturers and professors: *Provided, however,* That there shall not be established, in connection with the Institution, any school of law, or medicine, or divinity, nor any professorship of ancient languages. And the said managers shall make, from the interest of said fund, an appropriation, not exceeding \$5,000 annually, for the gradual formation of a library, composed chiefly of the best works on the physical sciences, and the application of science to the arts of life, but without excluding valuable and standard works pertaining to other departments of human knowledge.

SEC. 8. *And be it further enacted,* That the said board of managers shall make all needful rules, regulations, and by-laws for the government of the Institution and the persons employed therein; and, in prescribing the duties of the professors and lecturers, they shall have reference to the introduction and illustration of subjects connected with the application of science to the productive and liberal arts of life, improvements in agriculture, in manufactures, in trades, and in domestic economy; and they shall also have special reference to the increase and extension of scientific knowledge generally, by experiment and research; and the managers may, at their discretion, cause to be printed, from time to time, any lecture or course of lectures which they may deem useful; and it shall be the duty of each lecturer, while in the service of the Institution, to submit a copy of any lecture or lectures delivered by him, to the managers, if required and called upon, for the purpose of being printed; and such lectures, when printed, shall be at all times offered for sale at the lowest rate that will repay the actual expense of publication.

SEC. 9. *And be it further enacted,* That the said board of managers shall also make rules and regulations for the admission of students into the various departments of the institution, and their conduct and deportment while they remain therein: *Provided,* That all instruction in said Institution shall be gratuitous to those students who conform to such rules and regulations.

SEC. 10. *And be it further enacted,* That it shall be competent for the board of managers to cause to be printed and published periodically or occasionally essays, pamphlets, magazines, or other brief works or productions for the dissemination of information among the people, especially works in popular form on agriculture and its latest improvements, on the sciences and the aid they bring to labor, manuals explanatory of the best systems of common school instruction, and generally tracts illustrative of objects of elementary science and the rudiments of history, chemistry, astronomy, or any other department of useful knowledge; also, they may prepare sets of illustrations, specimens, and apparatus, suited for primary schools: *Provided,* That the same shall at all times be offered for sale at the lowest rate that will repay the actual expense of preparation or publication.

SEC. 11. *And be it further enacted,* That of any other moneys which have accrued, or shall hereafter accrue, as interest upon the said Smithsonian fund, not herein appropriated, or not required for the purposes herein provided, the said managers are hereby authorized to make such disposal as they shall deem best suited for the promotion of the purposes of the testator, anything herein contained to the contrary notwithstanding.

SEC. 12. *And be it further enacted,* That ———— and Joseph G. Totten and Alexander Dallas Bache, members of the National Institute, and resident in the city of Washington, be the seven managers who, by the second section of this act, are to be appointed by Congress.

SEC. 13. *And be it further enacted,* That there is reserved to Congress the right of altering, amending, adding to, or repealing any of the provisions of this act: *Provided,* That no contract, or individual right, made or acquired under such provisions, shall be thereby divested or impaired.

The amendment agreed to by your committee, and which they recommend for adoption to the House, is to strike out all after the preamble, and insert the following substitute:

*Be it enacted, etc.*, That so much of the property of the said James Smithson as has been received in money and paid into the Treasury of the United States, being the sum of \$515,169, be lent to the United States Treasury, at six per cent per annum interest, from September 1, 1838, when the same was received into the said Treasury; and that so much of the interest as may have accrued on said sum on the first day of July next, which will amount to the sum of \$242,129, or so much thereof as shall by the board of managers of the Institution established by this act be deemed necessary, be, and the same is hereby, appropriated for the erection of suitable buildings, the enclosing and preparing of suitable grounds, and for other current incidental expenses of the said Institution; and that six per cent interest on the said trust fund, it being the said amount of \$515,169, received into the United States Treasury on the first of September, 1838, payable, in half-yearly payments, on the first of January and July in each year, be, and the same is hereby, appropriated for the perpetual maintenance and support of said Institution; and all expenditures and appropriations to be made, from time to time, to the purposes of the Institution aforesaid, shall be exclusively from the accruing interest and not from the principal of the said fund. *And be it further enacted*, That all the moneys and stocks which have been, or may hereafter be, received into the Treasury of the United States, on account of the fund bequeathed by James Smithson, be, and the same hereby are, pledged to refund to the Treasury of the United States the sums hereby appropriated.

SEC. 2. *And be it further enacted*, That the business of the said institution shall be conducted by a board of managers who shall be, and hereby are, constituted a body politic and corporate by the style and title of the "Smithsonian Institution," with perpetual succession, and the usual powers, duties, and liabilities incident to corporations. And the said board of managers shall be composed of the Vice-President of the United States, the Chief Justice of the United States, and the mayor of the city of Washington, during the time for which they shall hold their respective offices, three members of the Senate, and three members of the House of Representatives, together with six other persons other than members of Congress, two of whom shall be members of the National Institute in the city of Washington, and resident in the said city; and the other four thereof shall be inhabitants of States, and no two of them of the same State; and the managers, to be selected as aforesaid, shall be appointed immediately after the passage of this act—the members of the Senate by the President thereof; the members of the House by the Speaker thereof; and the six other persons by joint resolution of the Senate and House of Representatives; and the members of the House so appointed shall serve until the fourth Wednesday in December, the second next after the passage of this act; and then, and biennially thereafter, on every alternate fourth Wednesday of December, a like number shall be appointed in the same manner, to serve until the fourth Wednesday in December, the second succeeding their appointment; and the Senators so appointed shall serve during the term for which they shall hold, without reelection, their office as Senators. And vacancies occasioned by death, resignation, or otherwise, shall be filled as vacancies in committees are filled; and the other six members aforesaid shall serve, two for two years, two for four years, and two for six years; the terms of service in the first place to be determined by lot; but after the first term then their regular term of service shall be six years; and new elections thereof shall be made by joint resolution of Congress; and vacancies occasioned by death, resignation, or otherwise, may be filled in like manner by joint resolution of Congress. And the said managers shall meet and organize by the choice of a president in the city of Washington on the first Monday in September next after the passage of this act, and they shall then fix on

the times for regular meetings of the board; and on application of any three of the managers to the superintendent of the said Institution it shall be his duty to appoint a special meeting of the board, of which he shall give notice by letter to each of the members; and at any meeting of the board of managers five shall constitute a quorum to do business. And each member of the board of managers shall be paid his necessary traveling and other actual expenses in attending meetings of the board, which shall be audited and recorded by the superintendent of the Institution; but his service as manager shall be gratuitous. And whenever money is required for the payment of the debts or performance of the contracts of the Institution, incurred or entered into in conformity with the provisions of this act, or for making the purchases and executing the objects authorized by this act, the superintendent or the managers, or any three thereof, may certify to the president of the board that such sum of money is required; whereupon he shall submit the same to a committee of three of the managers appointed for that purpose for examination and approval, and upon such examination and approval he shall certify the same to the proper officer of the Treasury for payment. And the said board shall make all needful rules, regulations, and by-laws for the government of the Institution and the persons employed therein, and shall submit to Congress at each session thereof, a report of the operations, expenditures, and condition of the Institution.

SEC. 3. *And be it further enacted*, That after the board of managers shall have met, and become organized, it shall be their duty forthwith to proceed to select suitable sites for such buildings as may be necessary for the Institution, and suitable ground for horticultural and agricultural purposes and experiments; which ground may be taken and appropriated out of that part of the public ground in the city of Washington called the Mall, lying west of Seventh street; and the sites and ground so selected shall be set out by proper metes and bounds, and a description of the same shall be made and recorded in a book to be provided for that purpose, and signed by the said managers, or so many of them as may be convened at the time of their said organization; and such record, or a copy thereof, certified by the president of the board of managers, shall be received in evidence in all courts of the extent and boundaries of the lands appropriated to the said Institution; and upon the making of such record, such sites and lands shall be deemed and taken to be appropriated by force of this act to the said Institution.

SEC. 4. *And be it further enacted*, That, so soon as the board of managers shall have selected the site for the buildings of the Institution, they shall cause to be erected a suitable building, of plain and durable materials and structure, without unnecessary ornament, and of sufficient size, and with suitable rooms, or halls, for the reception and arrangement, upon a liberal scale, of objects of natural history, including a geological and mineralogical cabinet; also a chemical laboratory, a library, a gallery of art, and the necessary lecture rooms; and the said board shall have authority, by themselves, or by a committee of three of their members, to contract for the completion of such building, upon such plan as may be directed by the board of managers, and shall take sufficient security for the building and finishing the same according to the said plan, and in the time stipulated in such contract. And the board of managers shall also cause the grounds selected for horticultural and agricultural purposes to be inclosed and secured, and suitable buildings erected to preserve such plants as will not bear exposure to the weather at all seasons; and so soon as it may be necessary for the accommodation of the persons employed in said Institution, the said board of managers may cause to be erected, on the grounds of the Institution, such dwelling houses and other buildings, of plain and substantial workmanship and materials, to be without unnecessary ornament, as may be wanted: *Provided, however*, That the whole expense of the buildings and inclosures aforesaid shall not exceed the amount of the interest which will have accrued on the principal sum and fund on the first day of July next, to wit: \$242,129; which sum is hereby appropriated,

payable out of money in the Treasury not otherwise appropriated; together with such sum or sums out of the annual interest accruing to the Institution, as may, in any year, remain unexpended, after paying the current expenses of the Institution: *And provided, further,* That the expenditure for inclosing and securing grounds, and erecting buildings to prevent plants from exposure, shall not exceed the sum of \$20,000. And duplicates of all such contracts as may be made by the said board of managers shall be deposited with the Treasurer of the United States; and all claims on any contract, made as aforesaid, shall be allowed and certified by the board of managers, or a committee thereof, as the case may be, and, being signed by the president of the board, shall be a sufficient voucher for settlement and payment at the Treasury of the United States. And the board of managers shall be authorized to employ such persons as they deem necessary to superintend the erection of the buildings and fitting up the rooms of the Institution. And all laws for the protection of public property in the city of Washington shall apply to, and be in force for, the protection of the lands, buildings, and other property of said Institution. And all moneys recovered by, or accruing to, the Institution shall be paid into the Treasury of the United States, to the credit of the Smithsonian bequest, and separately accounted for, as provided in the act approved July 1, 1836, accepting said bequest.

SEC. 5. *And be it further enacted,* That, in proportion as suitable arrangements can be made for their reception, all objects of art and of foreign and curious research, and all objects of natural history, plants, and geological and mineralogical specimens belonging or hereafter to belong to the United States, which may be in the city of Washington, in whosoever custody the same may be, shall be delivered to such persons as may be authorized by the board of managers to receive them, and shall be arranged in such order, and so classed, as best to facilitate the examination and study of them, in the buildings so as aforesaid to be erected for the institution; and the managers of said institution shall afterwards, as new specimens in natural history, geology, or mineralogy may be obtained for the museum of the institution, by exchanges of duplicate specimens belonging to the institution (which they are hereby authorized to make), or by donation, which they may receive, or otherwise, cause such new specimens to be also appropriately classed and arranged. And the minerals, books, manuscripts, and other property of James Smithson, which have been received by the Government of the United States and are now placed in the Department of State, shall be removed to such institution, and shall be preserved separate and apart from the other property of the institution.

SEC. 6. *And be it further enacted,* That the managers of said institution shall appoint a superintendent, whose duty it shall be to take charge of the grounds, buildings, and property belonging to the institution, and carefully preserve the same from injury; and such superintendent shall be the secretary of the board of managers, and shall, under their direction, make a fair and accurate record of all their proceedings, to be preserved in said institution; and the said superintendent shall also discharge the duties of librarian and of keeper of the museum, and may, with the consent of the board of managers, employ assistants; and the said managers shall appoint a professor of agriculture, horticulture, and rural economy; and the said professor may hire, from time to time, so many gardeners, practical agriculturists, and laborers as may be necessary to cultivate the ground and maintain a botanical garden; and he shall make, under the supervision of the board of management, such experiments as may be of general utility throughout the United States, to determine the utility and advantage of new modes and instruments of culture, to determine whether new fruits, plants, and vegetables may be cultivated to advantage in the United States; and the said officers shall receive for their services such sum as may be allowed by the board of managers, to be paid semiannually on the first day of January and July; and the said officers, and all other officers of the institution, shall

be removable by the board of managers whenever, in their judgment, the interests of the institution require any of the said officers to be changed.

SEC. 7. And whereas the most effectual mode of promoting the general diffusion of knowledge is by judiciously conducted common schools, to the establishment of which throughout the Union much aid will be afforded by improving and perfecting the common-school system of the country, and by elevating the standard of qualification for common-school teachers; and whereas knowledge may be essentially increased among men by instituting scientific researches, and, generally, by spreading among the people a taste for science and the arts:

*Be it further enacted*, That the board of managers shall establish a normal branch of the institution, by appointing some suitable person as professor of common-school instruction, with such other professors, chiefly of the more useful sciences and arts, as may be necessary for such a thorough, scientific, and liberal course of instruction as may be adapted to qualify young persons as teachers of common schools, and to give to others a knowledge of an improved common-school system; and also, when desired, to qualify students as teachers or professors of the more important branches of natural science. And the board of managers may authorize the professors of the institution to grant to such of its students as may desire it, after suitable examination, certificates of qualification as common-school teachers, and also as teachers or professors in various branches of science; they may also employ able men to lecture upon useful subjects, and shall fix the compensation of such lecturers and professors: *Provided, however*, That there shall not be established, in connection with the institution, any school of law, or medicine, or divinity, nor any professorship of ancient languages. And the said managers shall make, from the interest of said fund, an appropriation, not exceeding an average of \$10,000 annually, for the gradual formation of a library, composed of valuable works pertaining to all departments of human knowledge.

SEC. 8. *And be it further enacted*, That the said board of managers shall make all needful rules, regulations, and by-laws for the government of the institution and the persons employed therein; and in prescribing the duties of the professors and lecturers they shall have reference to the introduction and illustration of subjects connected with the application of science to the productive and liberal arts of life, improvements in agriculture, in manufactures, in trades, and in domestic economy; and they shall also have special reference to the increase and extension of scientific knowledge generally, by experiment and research. And the managers may, at their discretion, cause to be printed from time to time any lecture or course of lectures which they may deem useful. And it shall be the duty of each lecturer while in the service of the institution to submit a copy of any lecture or lectures delivered by him to the managers, if required and called upon.

SEC. 9. *And be it further enacted*, That the said board of managers shall also make rules and regulations for the admission of students into the various departments of the institution and their conduct and deportment while they remain therein: *Provided*, That all instruction in said institution shall be gratuitous to those students who conform to such rules and regulations.

SEC. 10. *And be it further enacted*, That it shall be competent for the board of managers to cause to be printed and published periodically or occasionally essays, pamphlets, magazines, or other brief works or productions for the dissemination of information among the people, especially works in popular form on agriculture and its latest improvements, on the sciences and the aid they bring to labor, manuals explanatory of the best systems of common-school instruction, and generally tracts illustrative of objects of elementary science, and treatises on history, natural and civil, chemistry, astronomy, or any other department of useful knowledge; also, they may prepare sets of illustrations, specimens, apparatus, and school books suited for primary schools.

SEC. 11. *And be it further enacted,* That of any other moneys which have accrued, or shall hereafter accrue, as interest upon the said Smithsonian fund, not herein appropriated or not required for the purposes herein provided, the said managers are hereby authorized to make such disposal as they shall deem best suited for the promotion of the purpose of the testator, anything herein contained to the contrary notwithstanding.

SEC. 12. *And be it further enacted,* That there is reserved to Congress the right of altering, amending, adding to, or repealing any of the provisions of this act: *Provided,* That no contract or individual right made or acquired under such provisions shall be thereby divested or impaired.

Your committee further report that though they do not consider it in strictness a part of their duty to refer to the purchases of stocks which Congress has seen fit to make with the money paid into the Treasury as the Smithsonian fund, yet they have inquired into the present condition of these investments and make the following statement in regard to the same, that the House, by its Committee on Ways and Means or otherwise, may, if it see fit, inquire into the expediency of adopting measures for the ultimate arrangement of these debts.

There was invested, as by reference to Tables A, B, and C, in House Doc. No. 142, Twenty-eighth Congress, first session, will more fully appear, upward of half a million in Arkansas bonds; upward of \$50,000 in Illinois bonds, and a few smaller sums in Ohio, Michigan, and United States stocks.

On these stocks, up to December 31, 1843, as appears also in the report above referred to, interest was paid except—

*Balance of interest then due and unpaid.*

By the State of—

Arkansas .....	\$75, 687. 84
Michigan .....	480. 00
Illinois .....	3, 360. 00

Total interest due and unpaid December 31, 1843..... 79, 527. 84

By a statement received by your committee from the Secretary of the Treasury they learn that, since December 31, 1843, there has been carried into the Treasury, on account of interest due by these States, the sum of \$19,106.25, and that the entire amount of interest due and unpaid at the close of last year had increased as follows:

*Balance of interest due and unpaid up to December 31, 1845.*

By the State of—

Arkansas .....	\$130, 841. 52
Illinois .....	1, 680. 00
Michigan .....	180. 07

Total interest on stocks purchased with the Smithsonian fund,  
due and unpaid December 31, 1845..... 132, 701. 59

What measures, if any, it may be expedient to adopt in regard to the back interest, or to the sale of all or any of these stocks, they have not considered it their province to inquire.

And your committee recommend to the House the adoption of the following resolution:

*Resolved*, That this report be printed; that the substitute herewith reported by them be referred to the Committee of the Whole on the state of the Union, and be printed separately in the form of a bill; and that the same be made the special order of the day for the second Tuesday in April next.

*April 21, 1846—House.*

Mr. JOHN QUINCY ADAMS proposed the following amendment to the bill (H. 5) to establish the Smithsonian Institution: Strike out the preamble, and all except the enacting clause, and insert:

That the President of the United States be requested, by the use of suitable means of moral suasion, and no others, to obtain from the governments of the States of Arkansas, Illinois, and Michigan payment of the arrears of interest due from the said States to the United States, and the interest thereafter, and the principal as it shall become due, according to the promises on the face of the bonds given by the said States for moneys bequeathed by James Smithson, a benevolent Englishman, to the United States of America, for the special purpose of founding at the city of Washington an institution for the increase and diffusion of knowledge among men, which bequest was, by an act of Congress approved on the first of July, eighteen hundred and thirty-six, accepted, with a pledge of the faith of the United States that it should be applied to the purposes prescribed by the testator.

SEC. 2. *And be it further enacted*, That when payment shall have been obtained from the said States of Arkansas, Illinois, and Michigan of the arrears of interest due on their said bonds, Congress shall forthwith proceed to appropriate said sums of interest so recovered, together with the interest hitherto received, or hereafter to be received, until the time of making such appropriations, in such manner as they shall deem suited to redeem the pledge of the faith of the United States to the application of the funds of the bequest of the said James Smithson to the specific purpose prescribed by the testator.

SEC. 3. *And be it further enacted*, That until the arrears of interest due by the said States of Arkansas, Illinois, and Michigan to the United States upon their said respective bonds shall have been received at the Treasury of the United States, no appropriation shall be made by Congress, chargeable upon the people of the United States, for the fulfillment of the purposes prescribed by the testator, James Smithson, for the disposal of his bequest.

SEC. 4. *And be it further enacted*, That within the first thirty days of each and every successive session of Congress it shall be the duty of the Secretary of the Treasury to report to Congress the then actual state of the Smithsonian fund, and particularly the amount of arrears of interest due upon the said bonds of the States of Arkansas, Illinois, and Michigan, together with copies of all correspondence, showing the result of the means of moral suasion used during the preceding year to obtain payment of the said arrears of interest, and the said annual reports shall be printed for the information of the people.

Committed to Committee of the Whole.

*April 22, 1846—House.*

The SPEAKER (Mr. JOHN W. DAVIS) announced the special order of the day to be the bill in relation to the Smithsonian Institution.

Mr. R. D. OWEN moved that the House resolve itself into Committee of the Whole on the state of the Union, which motion was agreed to.

The SPEAKER invited to the chair Mr. Seaborn Jones, who excused himself on the ground that he had but a limited acquaintance with the members.

Mr. ARMISTEAD BURT, having then been addressed by the Speaker, accepted the invitation.

Whereupon the House resolved itself into Committee of the Whole on the state of the Union (Mr. Burt, of South Carolina, in the chair), and proceeded to the consideration of the bill entitled "A bill to establish the Smithsonian Institution for the increase and diffusion of knowledge among men."

The bill, having been read through, was taken up by sections; and the first section being under consideration, Mr. G. W. JONES moved that the said section be stricken out.

Mr. OWEN said: We have been unfortunate, in this country, in the administration of legacies bequeathed by benevolent men for the improvement of our race. Of the noble Girard fund, three-quarters of a million of dollars are lost forever, and though half a generation has passed away since the eccentric Philadelphian died, not one child has yet reaped the benefit of his munificent bequest. A temple has indeed arisen that outshines Greece and her Parthenon; its sumptuous Corinthian pillars, each one costing a sum that would have endowed a professorship, are the admiration of beholders and the boast of the Quaker City; but years must yet elapse before the first son of indigence can ascend the steps of that princely portico and sit down within those marble halls to receive the education for which its simple and unostentatious founder sought to provide.

Yet it is not for us of this National Legislature to arraign, as dilatory, the corporation of Philadelphia. It is sixteen years since James Smithson died, leaving to the United States the reversion of more than half a million of dollars, to found, in this District, an institution "for the increase and diffusion of knowledge among men." It will be ten years on the 1st of July next since this Government solemnly accepted the trust created by Mr. Smithson's will. It will be eight years next September since the money was obtained from the English court of chancery and paid into the Treasury of the United States. And yet, though distinguished men have moved in this matter, though projects have been brought forward and discussed in Congress, there has till this day been no final action; the first human being has yet to receive the benefit of the Smithsonian bequest; the corner stone of the first building has yet to be laid, in fulfillment of the intentions of the philanthropic testator.

Small encouragement is there in such tardiness as this to others as wealthy and as liberal as Smithson and Girard to follow their noble

example; small encouragement to such men to intrust to our care bequests for human improvement. Due diligence is one of the duties of a faithful trustee. Has Congress in its conduct of this sacred trusteeship used due diligence? Have its members realized in the depths of their hearts its duties and their urgent importance? Or has not the language of our legislative action rather been but this: "The Smithsonian fund? Ah, true; that's well thought of. One forgets these small matters. We ought certainly to attend to it one of these days, if we could only find time." We are as the guests in the parable bidden to the marriage feast: "I have married a wife, and therefore I can not come." "I have bought a yoke of oxen and must needs remain at home to prove them." Let us see to it that the condemnation passed upon their paltry excuses fall not with double force upon our supineness in this thing.

There are those among the strict constructionists of the House who will vote to return this fund to the British court of chancery, alleging that we have no constitutional power to receive or to administer it. I suppose, judging from the tenor of the amendment moved by the gentleman from Tennessee [Mr. G. W. Jones], that he will so vote.

Mr. JONES. I certainly shall.

Mr. OWEN. Well, sir, though I share not the gentleman's constitutional scruples, yet I, too, if action in this matter be much longer delayed, shall join in a vote to send back the money to the country whence it came. There is not common honesty in a man who shall receive a trust fund, even for an object the most indifferent, and then keep the money in his hands without applying it according to the will of the legator. What, then, shall we say of a great Government that accepts, solemnly accepts before God and man, a bequest for a purpose sacred and holy, if any such purpose there be upon earth, and then, indolent or indifferent, so braves the just censure of the world, so disappoints the generous confidence reposed in it, as to neglect and postpone year after year every measure for the administration of that bequest?

Delay is denial. We have no more right to put off throughout long years the appropriation of such a fund than we have to direct it to our own private purposes. Nonuse works forfeiture as surely as misuse. Mr. Richard Rush, through whose agency the fund was realized and remitted to this country, in a paper read two years ago before the National Institute, remarks that if this delay of action had been anticipated by the English chancery judges, it "might have forestalled the decree in our favor in the unrestricted manner in which it was made." He adds:

It is at least known that the English court of chancery is slow to part with trust funds under any ordinary circumstances without full security that they will not be diverted from their object or suffered to languish in neglect. That tribunal asked no such security from the United States. It would have implied the possibility of laches in the high trustee. (Paper read April 8, 1844.)

Thus we are not legally accountable. The heavier, for that very reason, is our moral responsibility. The gambler, beyond the pale of the law, commonly retains honor enough to meet his promises. We have less than the gambler's honor if, sheltered behind our sovereignty, we take advantage of the impunity it affords and become unfaithful to a high and imperative duty.

I impute not to an American Congress—I attribute not to any of my fellow-members—the deliberate intention to neglect the objects of this trust. There is, doubtless there always has been, a right feeling on this subject. The just cause of complaint is that this right feeling, like many other good intentions in this world, has never ripened into action. “When you feel nobly and intend well, go and do something! Do some good; it avails nothing merely to think about it.” Such were the words pronounced from yonder desk by a teacher whose impressive eloquence recently filled this hall. I thought of the Smithsonian bequest when I heard them.

Nor is it difficult to distinguish the reason, though it furnish no sufficient apology for this prolonged inaction. It is to be ascribed, though in part to indifference, yet chiefly to the difficulty of selecting between various and conflicting plans. The words of the will, liberal and comprehensive, do not indicate the specific mode in which the intentions of the testator shall be carried into effect. Mr. Smithson left the whole of his property, failing certain relatives, and an old servant (now all deceased) “to the United States of America; to found at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men.”

“An institution for the increase and diffusion of knowledge among men.” These are the words, and the only words, that remain to us as a guide in framing a Smithsonian bill; our sole guide; unless, indeed, we are to summon, as a commentary on the text of the will, and an additional indication of the probable intentions of Mr. Smithson, such particulars as have reached us touching his private character and habits. These are very scanty. Mr. Rush says:

What I have heard and may confide in amounts to this: That he was, in fact, the natural son of the Duke of Northumberland; that his mother was a Mrs. Macie, of an ancient family in Wiltshire, of the name of Hungerford; that he was educated at Oxford, where he took an honorary degree in 1786; that he does not appear to have any fixed home, living in lodgings while in London, and occasionally staying a year or two at a time in cities on the Continent, as Paris, Berlin, Florence, Genoa, at which last he died; and that the ample provision made for him by the Duke of Northumberland, with retired and simple habits, enabled him to accumulate the fortune which now passes to the United States. (House Report 277, Twenty-sixth Congress, first session, p. 99.)

Mr. Rush further says:

He interested himself little in questions of government, being devoted to science, and chiefly chemistry. This had introduced him to the society of Cavendish, Wollaston, and others advantageously known to the Royal Society in London, of which he was a member. (Ibid.)

In a Memoir of the Scientific Character and Researches of James Smithson, prepared two years ago by Professor Johnson, of Philadelphia, there are enumerated twenty-four papers or treatises by Smithson, published in the Transactions of the Royal Society and other scientific journals of the day, containing contributions chiefly to the sciences of mineralogy, geology, and, more especially, mineral chemistry. Some of these contain acute suggestions regarding geological theories, since confirmed by more modern observation; others evince the minute care and accuracy demanded by quantitative analysis; while one or two, of a more humble character, show that the man of science disdained not to apply his knowledge to common things, even to the details of domestic economy. In the Annals of Philosophy, volume xxii, page 30, he has a brief tract on the "method of making coffee." It contains the following excellent observation:

In all cases means of economy tend to augment and diffuse comfort and happiness. They bring within the reach of many what wasteful proceedings confine to the few. By diminishing expenditure on one article, they allow some other enjoyment which was before unattainable.

Even in a trifle like this we may trace the utilitarian simplicity and practical benevolence of James Smithson.

The will determines the name of the institution, and renders imperative its location at Washington. It decides also that a Smithsonian Institution shall have two distinct objects; one to increase the sum of human knowledge, the other to aid in its diffusion: for we can not imagine the terms to have been employed as synonymous. From the character of the testator's pursuits we may fairly infer, further, that a Smithsonian bill, framed in accordance with the evident intentions of Smithson himself, must include the natural sciences, and especially chemistry, together with their application to the useful arts of life, among the branches of knowledge to be increased and diffused. And as his own habits were frugal and unostentatious, so, in all its details, should be the institution that bears his name.

Suffer me now briefly to pass in review the history of our legislative proceedings in this matter.

The money was paid into the United States Treasury on the 1st of September, 1838. On the 6th of December, of the same year, President Van Buren sent a message to Congress, informing that body that he had in July, 1838, directed the Secretary of State "to apply to persons versed in science, and familiar with the subject of public education, as to the mode of disposing of the fund best calculated to meet the intentions of the testator, and prove most beneficial to mankind."

From the wording of this message we may infer that Mr. Van Buren considered the advancement of science and of public education the proper object of a Smithsonian Institution.

He communicated to Congress the replies received. A brief abstract

of the more important of these may be useful and interesting at this time.

Professor Wayland proposed a university of a high grade to teach Latin, Greek, Hebrew, and the Oriental languages, together with a long list of other branches, including rhetoric and poetry, intellectual philosophy, the law of nations, etc. A bill substantially based upon this recommendation was introduced in 1839 into the Senate; and, on the 25th of February of that year, after full debate, was laid on the table by a vote of 20 to 15.

Dr. Cooper proposed a university, to be opened only to graduates of other colleges, to teach the higher branches of mathematics, including its application to astronomy, chemistry, etc.; also, the principles of botany and agriculture. No Latin or Greek; no mere literature; no medicine or law. The above recommendations in regard to botany and agriculture, and also those excluding the learned languages and professions, have been adopted in the present Smithsonian bill.

Mr. Richard Rush proposed a building, with grounds attached sufficient to reproduce seeds and plants for distribution; a press to print lectures, etc.; courses of lectures on the leading branches of physical and moral science and on government and public law; the salaries to be ample enough to command the best men and admit of the exclusive devotion of their time to the studies and investigations of their posts; the lectures, when delivered, to be the property of the Institution for publication. Most of these recommendations are adopted in the bill before you. Mr. Rush also made the excellent suggestion that consuls and other United States officers might greatly aid the Institution by collecting and sending home useful information and valuable specimens from abroad.

The venerable gentleman from Massachusetts [Mr. Adams], who has labored in this good cause with more zeal and perseverance than any other man, expressed in his reply the opinion that no part of the fund should be devoted "to the endowment of any school, college, university, or ecclesiastical establishment;" and he proposed to employ seven years' income of the fund in the establishment of an observatory, with instruments and a small library. This proposal was afterwards, at no less than four different sessions, incorporated in a bill, but failed on these occasions among the unfinished business. I believe I am authorized in saying for the gentleman from Massachusetts that, inasmuch as these his intentions have been since otherwise carried out, and as we have already in this District a Government observatory, at least equal in everything but the experience of its observers to the Royal Observatory at Greenwich, he has ceased to press that proposal.

Though the plan actually proposed by the gentleman from Massachusetts was restricted for some years to an observatory, he yet recog-

nized, as in accordance with the language of the bequest, "the improvement of all the arts and sciences." In a report made in 1840 he adds:

A botanical garden, a cabinet of natural history, a museum of mineralogy, conchology, or geology, a general accumulating library, are undoubtedly included within the comprehensive grasp of Mr. Smithson's design. (House Report No. 277, Twenty-sixth Congress, first session, p. 18.)

These various objects are all embraced in the bill which has been reported to the House. The gentleman also recommended that the original fund (it is about \$515,000) be preserved unimpaired and that yearly appropriations be made from the accruing interest only (which will amount on the 1st of July next to about \$242,000), a feature which has been incorporated, I believe, in every Smithsonian bill heretofore submitted to Congress. The restrictions suggested by the gentleman from Massachusetts have been so far retained in the present bill as to exclude from the Institution "any school of law, medicine, or divinity, or any professorship of ancient languages."

At the last session a bill was introduced into the other branch by Senator Tappan. Its plan included an experimental farm, botanical garden and conservatories, cabinets of natural history, a chemical laboratory, a library with an annual appropriation not exceeding \$5,000, scientific lectureships, and an establishment for printing scientific tracts and other useful treatises, all instruction to be gratuitous.

This bill was subsequently so amended by the Senate that the lectures were restricted to a course or courses to be delivered during the session of Congress, at an expense not exceeding \$5,000 annually, and the printing to a publication of these lectures, while the annual appropriation for a library was to be "not less than \$20,000."

The experimental farm, botanical garden, and conservatories, as well as the museum, laboratory, and scientific cabinets, were nominally retained; but how these were to be supported, considering that at least two-thirds of the entire income was annually to be spent on the library, does not very clearly appear.

This library plan, as it was commonly called, passed the Senate and reached our House. An amendment or substitute, nearly similar to the present bill, was substituted by myself and printed; but in the hurry of a short session the whole matter was left once more among the unfinished business.

As this Senate bill is the only one establishing a Smithsonian Institution that has yet passed either branch of Congress, its principal feature demands our deliberate and respectful consideration.

The library contemplated by this bill, it was expressly provided, was to be "of the largest class of libraries now in the world." We shall better understand both the object and the cost of this proposal by taking as a commentary thereon some of the remarks with which it was introduced by its author, then a distinguished member of the

other branch, but no longer there to adorn its debates with the gay flowers of his brilliant eloquence.

He objected to limiting the cost of the library building to \$100,000, seeing, as he reminded the Senate, that the "largest class" of public libraries contain from a quarter of a million to upward of a half a million of volumes. He said:

Twenty thousand dollars a year for twenty-five years are \$500,000; and \$500,000 directly expended, not by a bibliomaniac, but by a man of sense and reading, thoroughly instructed in bibliography, would go far, very far, toward the purchase of as good a library as Europe can boast. (Speech of Senator Choate, January 8, 1845.)

He adds, a little further on, that "such a step taken, we should never leave the work unfinished;" and that when finished, it would "rival anything civilization has ever had to show."

He argues of the value and importance of such a library after this wise:

I do not know that of all the printed books in the world we have in this country more than 50,000 different works. The consequence has been felt and lamented by all our authors and all our scholars. It has often been said that Gibbon's History could not have been written here for want of books. I suppose that Hallam's Middle Ages, and his Introduction to the Literature of Europe could not. Irving's Columbus was written in Spain; Wheaton's Northmen prepared to be written in Copenhagen. See how this inadequate supply operates. An American mind kindles with a subject; it enters on an investigation with a spirit and ability worthy of the most splendid achievement; goes a little way; finds that a dozen books—one book, perhaps—is indispensable, which can not be found this side of Göttingen or Oxford; it tires of the pursuit, or abandons it altogether, etc.

And the Senator branches off, in his own brilliant style, into a dissertation on the value and importance of such a library: "A vast storehouse," says he; "a vast treasury of all the facts which make up the history of man and of nature; \* \* \* a silent, yet wise and eloquent teacher; dead, yet speaking; not dead! for Milton has told us: 'A good book is not absolutely a dead thing—the precious lifeblood, rather, of a master spirit; a seasoned life of man, embalmed and treasured up, on purpose to a life beyond life.'"

If the question were between a library and no library, between books and no books, the language thus employed, fervid as it is, would be all insufficient to shadow forth the towering magnitude of the subject. John Faust—if, indeed, to the goldsmith of Mentz the world owe the art of typesetting—conferred on his race a greater boon than ever before did living man. There is no comparison to be made between the effects of the art of printing and those of any other discovery put forth by human wit. There is nothing to which to liken it. It was a general gaol delivery of the thoughts of the world. It was a sending forth of these winged messengers, hitherto bound down each in his own narrow sphere, emancipated, over the earth. And

that was the great day, not of intellect only, but of freedom also. Then was struck the heaviest blow against lawgiving for the mind. The Strombolean Cave was opened; the long-pent winds of opinion set free; and no edict-framing Æolus could crib and confine them to their prison house again.

Yes! well might Faust incur the charge of demonocracy! For almost to the letter has his wondrous craft realized in our day the fables of eastern romance. Draw a chair before your library and you have obtained the magical carpet of the Arabian tale; you are transported at a wish farther than to Africa's deserts or India's groves—not to other climes only, but to other times also. The speaking page introduces you not to your cotemporaries alone, but to your ancestors through centuries past. The best and the wisest of former generations are summoned to your presence. In books exists the bygone world. By books we come into contact with the mankind of former ages. By books we travel among ancient nations, visit tribes long since extinct, and are made familiar with manners that have yielded centuries ago to the innovating influences of time. Contracted indeed is his mental horizon, limited his sphere of comparison, whose fancy has never lived among the sages and heroes of the olden time, to listen to their teachings, and to learn from their achievements.

As far as the farthest, then, will I go in his estimate of the blessings which the art of printing has conferred upon man. But such reasoning bears not on the proposal embraced in the Senate bill. It substantiates not at all the propriety of spending half a million, or two, or three half millions of dollars, to rival the bibliomaniacs of Paris and of Munich.

A Library of Congress we already have; a library of forty or fifty thousand volumes; a library increasing at the rate of one or two thousand volumes a year. The Smithsonian bill before you permits, in addition, an expenditure not exceeding \$10,000 a year for this object. Say that but half that sum is annually expended by the managers; and still, in some twelve or fifteen years, the two libraries will probably number from eighty to a hundred thousand volumes. Are there a 100,000 in the world worth reading? I doubt it much. Are there 4,000 volumes published yearly worth buying? I do not believe there are. A small garner suffices to store the wheat; it is the chaff that is bulky and fills up the storehouse. Books are like wealth. An income we must have to live; a certain amount of income to live in comfort. Beyond a certain income the power of wealth to purchase comfort, or even wholesome luxury, ceases altogether. How much more of true comfort is there in a fortune of a million of dollars than in one of fifty or, say, a hundred thousand? If more there be, the excess is hardly appreciable; the burden and cares of a millionaire outweigh it tenfold. And so also of these

vast and bloated book-gatherings that sleep in dust and cobwebs on the library shelves of European monarchies. Up to a judicious selection of thirty, fifty, a hundred thousand volumes, if you will, how vast—yea, how priceless—is the intellectual wealth! From one to five hundred thousand, what do we gain? Nothing? That would not be true; a goblet emptied into the Pacific adds to the mass of its waters. But if within these limits we set down one book out of a hundred as worth the money it costs, we are assuredly making too liberal an estimate.

I pray you, sir, not to stretch these strictures beyond their precise application. I am not one of those who judge slightly the learning of the past. We find shining forth from the dark mass of ancient literature gems of rare beauty and value, unequaled, even to-day, in purity and truth. But then, also, what clouds of idle verbiage! What loads of ostentatious technicalities! It is but of late years that even the disciple of science has deigned to simplify and translate; formerly his great object seems to have been to obscure and mystify. The satirist, in sketching an individual variety, has aptly described the species, when he says:

The wise men of Egypt were as secret as dummies,  
And even when they most condescended to teach,  
They packed up their meaning, as they did their mummies,  
In so many wrappers, 'twas out of one's reach.

But there are such noble enterprises as those of Gibbon and Hallam, valuable to all; doubly valuable to the moralist and statesman. And in regard to such it is argued that if one of our own scholars, fired with generous ambition to rival the historians of the Old World, enters on such a task, he may find that a dozen, or perhaps a single book, necessary for reference, "can not be found this side of Göttingen or Oxford." Suppose he does, what is the remedy? A very simple one suggests itself: that he should order, through an importer of foreign books, the particular work which he lacks. To save him the trouble and expense of so doing, the friends of the mammoth library scheme propose—what? That we should begin by expending half a million of dollars, which would "go far toward the purchase of as good a library as Europe can boast;" that "such a step taken, we should never leave the work unfinished;" and that, when finished, it would "rival anything civilization has ever had to show."

It is prudent before we enter this rivalry to count its cost. Without seeking to reach the 700,000 volumes of the Parisian library let us suppose we try for the half million of volumes that form the boast of Munich, or fill up the shelves of the Bodleian. Our librarian informs me that the present Congressional Library (certainly not one of the most expensive) has cost upwards of \$3 a volume; its binding alone has averaged over a dollar a volume. The same works could be

purchased now, it is true, much more cheaply; but, on the other hand, the rare old books and curious manuscripts necessary to complete a library of the largest class would raise the average. Assuming, then, the above rate, a rival of the Munich library would cost us a million and a half of dollars; its binding alone would amount to a sum equal to the entire Smithsonian fund as originally remitted to us from England.

And thus not only the entire legacy, which we have promised to expend so that it shall increase and diffuse knowledge among men, is to be squandered in this idle and bootless rivalry, but thousands on thousands must be added to finish the work—from what source to be derived, let its advocates inform us. And when we have spent thrice the amount of Smithson's original bequest on the project we shall have the satisfaction of believing that we may possibly have saved to some worthy scholar a hundred, or perchance a few hundred dollars, which otherwise he must have spent to obtain from Europe half a dozen valuable works of reference!

But there are other reasons urged for this appropriation of the Smithsonian fund.

There is something to point to if you should be asked to account for it unexpectedly; and something to point to if a traveler should taunt you with the collections which he has seen abroad, and which gild and recommend the absolutisms of Vienna or St. Petersburg. (Senator Choate's speech, as above.)

This purchasing of a reply to some silly traveler's idle taunts at a cost of a million and a half of dollars, including a fund sacredly pledged to human improvement, seems to me a somewhat costly and unscrupulous mode of gratifying national vanity. It is ineffectual, too, unless we are prepared to add a few millions more to buy up, if money could buy, the means of reply to other taunts, quite as just and quite as likely to be cast up to us. There is the Vatican, with its—

Statues but known from shapes of the earth,  
By being too lovely for mortal birth.

There is the Florence gallery, with its—

Paintings, whose colors of life were caught  
From the fairy tints in the rainbow wrought—

images of beauty, living conceptions of grandeur, refining, cultivating, elevating—worth all the musty manuscripts of Oxford ten times told! How are we to escape the imputation that our rude land can show no such triumphs of art as these? Are we to follow Bonaparte's plan? Are we to carry war into the land of the olive and the vine, and enrich this city as the French Emperor did his capital with the artistic spoils of the world? Unless we adopt some such plan, must not Europe's taunts remain unanswered still?

And let them so remain. I share not the feelings of the learned and

eloquent Senator to whose remarks I have taken liberty to reply when he says—

I confess to a pang of envy and grief that there should be one drop or one morsel more of the bread or water of intellectual life tasted by the European than by the American mind. Why should not the soul of this country eat as good food and as much of it as the soul of Europe?

It grieves me not that the fantastic taste of some epicure in learning may chance to find on the book shelves of Paris some literary morsel of choice and ancient flavor, such as our own metropolis supplies not. I feel no envy if we republicans are outdone by luxurious Europe in some high-seasoned delicacy of the pampered soul. Enough have we to console ourselves—objects of national ambition, how much higher, how infinitely nobler than these—objects of national pride, before which these petty antiquarian triumphs dwarf into utter insignificance! Look abroad over our far-spreading land, then glance across to the monarchies of the Old World, and say if I speak not the truth.

I have sojourned among the laborers of England; I have visited amid their vineyards the peasantry of France; I have dwelt for years in the midst of the hardy mountaineers of Switzerland. I have seen and conversed and sat down in their cottages with them all. I have found often among them simple goodness. Ignorance, oppression can not trample out that. I have witnessed patience under hopeless toil, resignation beneath grievous wrongs. I have met with civility, kindness, a cheerful smile, and a ready welcome. But the spirit of the man was not there—the spirit that can lift up its brow with a noble confidence and feel that while it is no man's master, neither is it any man's slave. Between them and the favored of capricious fortune, one felt—they felt—there was a great gulf fixed, broad, impassable.

Far other is it even in the lowliest cabin of our frontier West. It is an equal you meet there; an equal in political rights; one to whom honors and office, even the highest, are as open as to yourself. You feel that it is an equal. The tone in which hospitality is tendered to you, humble though means and forms may be, reminds you of it. The conversation, running over the great subjects of the day, branching off, perhaps, to questions of constitutional right or international law, assures you of it.

I have heard in many a backwoods cabin, lighted but by the blazing log heap, arguments on government, views of national policy, judgments of men and things, that, for sound sense and practical wisdom, would not disgrace any legislative body upon earth.

And shall we grudge to Europe her antiquarian lore, her cumbrous folios, her illuminated manuscripts, the chaff of learned dullness that cumbers her old library shelves? A "pang of envy and grief" shall we feel? Out upon it! Men have we; a people; a free people, self.

respecting, self-governing; that which gold can not buy; that which kings can not make! Grief! Envy! Theirs let it be who look upon this young land in her freshness, in her strength! Let them feel it who behold, from afar, our people bravely battling their onward way; treading, with liberty at their side, the path of progressive improvement, each step upward and onward—onward to the great goal of public virtue and social equality.

Equality! I spoke of our citizens as equals; equals in the sense of the Declaration of Independence; equals in political privilege, in the legal right to the pursuit of happiness. Equals, in a restricted sense of the term, men never can be. The power of intellect will command while the world endures; the influence of cultivation will be felt while men continue to live upon earth, and felt the more the longer the world improves, the better men become. Unequal, then, in their influence over their fellows; unequal in the space they fill in the world's thoughts; unequal in the power with which they draw after them the hearts of many—thus unequal, to some extent, men must ever be.

But here arises a great question; a practical question; an inquiry especially pertinent to the subject before us. The natural inequality of man is a thousand times increased by artificial influence throughout society. Is that well; or, if not well, can it be avoided? Or, if not avoided, can it be lessened? I feel assured that it can be much lessened. I am not sanguine enough to believe that I—perhaps not my children, even—shall see the day when equality of education shall prevail even in this republican land. But I hold it to be a republican obligation to do all that we properly and constitutionally may, in order gradually to reach, or at least to approach, that period. I hold it to be a democratic duty to elevate, to the utmost of our ability, the character of our common-school instruction. I hold this to be a far higher and holier duty than to give additional depth to learned studies, or supply curious authorities to antiquarian research.

Guided by such considerations, I incorporated in the bill before you, as one of its principal features, a normal branch. This, and the clause providing for original researches in natural science, are the only important additions that have been made in it to Senator Tappan's bill of last session.

Normal schools—that is, schools to teach teachers, to instruct in the science of instruction—are an improvement of comparatively modern date. The first ever attempted seems to have been in Prussia, established about the year 1704, by Franke, the celebrated founder of the Orphan House of Halle. They have gradually increased in number and favor from that day to this in all the more civilized nations of Europe; and Mrs. Austin, in her preface to Cousin's Public Instruction in Prussia, remarks that the progress of primary instruction in

Europe may be measured by the provision made for the education of teachers.

A detailed account of the normal schools of Europe is given in the ninth chapter of Professor Bache's Report on Education in Europe, made to the trustees of the Girard College. Mr. Bache visited Europe under instructions from the committee of the institution, and his excellent report, full of practical details and accurate statistics, is a redeeming point in the management of that trust.

Two States only of our Union have yet established State normal schools—Massachusetts and New York. Massachusetts has three, educating in all about two hundred pupils, and New York has one, containing about the same number of students, the sole object of both being to educate teachers of common schools. The experiment has been signally successful. The report for 1844 of the Massachusetts board of education says of one of their schools (that at Lexington):

Such is the reputation of this school that applications have been made to it from seven of our sister States for teachers.

And Mr. Horace Mann, secretary of the Massachusetts board of education, writes to me:

When first opened in Massachusetts, normal schools were an experiment in this country. Like all new ideas, they have had to encounter serious obstacles; but they have triumphed over every species of opposition, have commended themselves more and more every year to the good sense of our people, and we now have the pleasure not only of seeing them firmly established here, but of knowing that their success has given birth to a similar institution in the State of New York, and promises ere long to do the same in other States.

The normal branch of the Smithsonian Institution is intended not by any means to take the place of State normal schools, but only in aid of them, as an institution in the same department, supplemental to these, as they may gradually increase throughout the Union, but of a higher grade, and prepared to carry forward young persons who may have passed through the courses given in the former, or others who desire to perfect themselves in the most useful of all modern sciences, the humble, yet world-subduing science of primary education; an institution, also, in which the improvement and perfecting of that republican science shall be a peculiar object; an institution, finally, where we may hope to find trained, competent, and enlightened teachers for these State normal schools.

As an essential portion of this normal department, professorships of the more useful arts and sciences are to be provided for. The character of common-school education, especially in the Northern Atlantic States, is gradually changing. Twenty years ago De Witt Clinton, in his annual message, expressed the opinion that in our common schools "the outlines of geography, algebra, mineralogy, agricultural chemistry, mechanical philosophy, astronomy, etc., might be communicated

by able preceptors without essential interference with the calls of domestic industry." This opinion is daily gaining strength, and has been partially acted upon in several of the New England States. In the city of New York, also, a small advance towards it has been already made. Recently the board of trustees of the public schools in that city adopted, among other resolutions, the following:

*Resolved*, That a portion of time not exceeding one hour a week be appropriated to employments incident to elementary instruction in subjects of natural science.

In accordance with these gradually enlarging views, the course of study of the New York State normal schools, as I learn by the printed circular which I hold in my hand, embraces natural philosophy, chemistry, human physiology, history, the elements of astronomy, etc., in addition to the special lectures on the theory and practice of teaching. These various advances, thus sanctioned by public opinion, indicate that a normal department in the Smithsonian Institution, to be worthy of the age, must include scientific courses by some of the ablest men of the day.

It is also by the bill specially made a part of the duty of these men to institute scientific researches. In these, as we have seen, Smithson spent the greater part of his life. And it can not be doubted that, were he yet alive and here to-day to explain his wishes, original researches in the exact sciences would be declared by him a part of his plan. With the knowledge of his life and favorite pursuits before us, and the words of his will specifying the increase as well as the diffusion of knowledge for our guide, it seems nothing less than an imperative duty to include scientific research among the objects of a Smithsonian Institution.

I said an imperative duty. Such is the nature of our obligation to fulfil whatever we may fairly infer to have been Smithson's intentions. This money is not ours; if it were, we might take counsel from our own wishes and fancies in its appropriation; but it is merely intrusted to us, and for a specific purpose. Mr. Adams, in his report made in 1840, well says:

In the commission of every trust there is an implied tribute of the soul to the integrity and intelligence of the trustee; and there is also an implied call for the faithful exercise of these properties to the fulfilment of the purpose of the trust. The tribute and the call acquire additional force and energy when the trust is committed for performance after the decease of him by whom it is granted, when he no longer exists to witness or to constrain the effective fulfilment of his design.

And these considerations seem to me also conclusive against the great library plan. In the first place, Smithson's own pursuits were scientific, not antiquarian. In the second, had he desired merely to found a library, it is reasonable to suppose he would have said so.

The bill as reported to the House has been framed in that spirit of compromise so necessary in this world of a thousand opinions. The

importance of the chief objects at which it aims will be conceded by all—the advancement of agriculture, the improvement of primary education, and the prosecution of scientific research. And if even in its practical effects the plan fall short of the anticipations of its friends, suffer me to ask you, What is the alternative in the Senate bill of last year, the only one that has yet found favor enough to succeed in either branch? Beyond the library scheme and the professorship of agriculture (a feature equally in that bill and this), what is proposed? Public lectures, to be delivered in this city “during the sessions of Congress.” Who is to profit by these lectures? Let the author of the plan answer:

Who would their audiences be? Members of Congress, with their families; members of the Government, with theirs; some inhabitants of the city; some few strangers, who occasionally honor us with visits of curiosity or business. They would be public men, of mature years and minds, educated, disciplined, to some degree, of liberal curiosity, and appreciation of generous and various knowledge. (Speech of Senator Choate as above.)

Here is a plan for gratuitous lectures to be delivered to members of Congress and of the Government, with their families, to some citizens of Washington, and a few passing strangers; to men, so it is expressed, educated, disciplined, already capable of “appreciating generous and various knowledge.” And this, as the mode the most effectual, the most comprehensive, the most just and equal, to increase and diffuse knowledge among men. We are to pass by all plans that may reach and benefit the people by improving their education and elevating the character of their teachers; all proposals, even to scatter broadcast among them useful tracts, popular treatises; all projects, in short, to distribute among them the bread and water of intellectual life wherever these are craved, and we are to adopt in their stead a course of lectures expressly restricted to the sessions of Congress; expressly prepared for ourselves and for a few Government officers and strangers; a course of lectures to be especially adapted to an audience already favored by fortune and education, already, as we are complacently told, of mature minds and above all need of elementary instruction.

Sir, over the entire land must the rills from this sacred fountain freely flow; not to be arrested and walled up here, to minister to our pleasure or convenience. We greatly mistake if we imagine that our constituents are indifferent to the privilege of drawing from these waters of knowledge; that they can not appreciate their fertilizing influence. If there be one feeling more powerful than another in the hearts of the millions of this land, even through its remotest forests, it is that the intellectual cultivation which circumstances may have denied them shall be secured to their children. They value, sometimes even beyond their worth, the literary advantages, by aid of which the

few commonly distance their competitors in the paths of emolument and honor. Aye, and beyond this they feel—do we not all feel?—that we are not in temper, in habits, in feelings, or in intelligence what we ought to be, or what we might have been; that our nature was better than our education. They feel—has not the most careless among us felt it, too?—that there are springs of virtue within us that have seldom been touched; generous aspirings that have scarcely been called into action; capabilities of improvement that have hardly been awakened; capabilities of enjoyment that have been turned to fountains of bitterness. If we might now reeducate ourselves, even from the cradle upward, developing each mental power and moral faculty, checking the rising vice and cultivating the nascent virtue; bending the pliant habit to reason and mastering the evil passions at its birth, how gladly would we grasp at the offer; how dearly value the privilege. And what selfishness would do for itself, think you not that parental affection desires for its offspring? Yes; vice itself desires it. Stronger than the thirst after riches, deeper than the craving for power, springing from the best and most enduring of human instincts, is the parent's longing for the welfare of his child. Criminal he may be; ignorant he may be; reckless even of his own character; hopeless of a reputable standing for himself; but his children—if brutish excesses have not utterly quenched the principle of good within him—for them there is still a redeeming virtue in his soul; a striving after better things; a hope that they may escape the vices which have degraded him; that they may emerge from the ignorance in which he is benighted, if not to wealth and honor, at least to fair fame and honest reputation—a credit to his blighted name and a comfort to his declining years.

Such are the sentiments that spring up to meet us from among the people, shared by the bad as well as the good; universal in their prevalence. And it is to such sentiments, the best earnest of progressive improvement in man, that the provisions of this bill ought, so far as the amount of the legacy and the terms of the will permit, to respond.

Such views are in accordance with the spirit of the age and the wants of the times. It is not a world all of flowers and sunshine, this we live in. It is a world where thousands are starving; where tens of thousands toil to live—live only to die! It is a world where cruel suffering exists, where shameful crimes are committed, where terrible oppression is endured, where dark ignorance is found. It has scenes of wrong, and outrage, and guilt, and woe. They rise before us. They thrust themselves on our attention. Not to gild, not to embellish; a graver, a sadder duty is his who would aid in such a world's improvement.

To effect permanent good in such a world, we must reach the minds and the hearts of the masses; we must diffuse knowledge among men; we must not deal it out to scholars and students alone, but even to

Tom, Dick, and Harry; and then, as a wise and witty female writer of the day expressed it, "they will become Mr. Thomas, and Mr. Richard, and Mr. Henry." They may not become profound scholars, erudite graduates; nor is that necessary. Well to know common things is the essential. It is not elaborate learning that most improves the world or that exerts most influence in its government. Working-day knowledge is simple, almost in the ratio of its importance; and Milton has told us—

That not to know at large of things remote  
From use, obscure and subtle, but to know  
That which before us lies, in daily life,  
Is the prime wisdom.

The ancient masters realized not these truths. With the millions they had no sympathy. In private, and to the initiated few alone, did they deign to unroll the mystical page of their philosophy; they scorned to expose it to the gaze of the profane vulgar.

Thanks to the stirring spirit of progressive improvement, all this, in our age, is changed. By modern teachers the people are spoken of, spoken to, cared for, instructed. To the people the characteristic literature of the day is addressed. What has become of the ponderous folio in which the learning of the Middle Ages used to issue, to a small and exclusive circle, its solemn manifesto? Now we have the slender pamphlet, the popular tract, the cheap periodical, cast forth even to the limits of civilization, penetrating into every nook and corner of the land; often light, often worthless, but often, too, instructive, effective; written for the masses, reaching the masses, and awaking, far and wide, a consciousness of deficiency, a spirit of inquiry, a desire to know more.

The people govern in America. Ere long the people will govern throughout the habitable earth. And they are coming into power in an age when questions of mighty import rise up for their decision. They who govern should be wise. They who govern should be educated. They who decide mighty questions should be enlightened. Then, as we value wise government, as we would have the destinies of our kind shaped by an enlightened tribunal, let the schools of the people, and the teachers who preside in these schools, and the system that prevails in these schools, be our peculiar care.

We can not reform the world, no, nor provide instruction for a great nation, by any direction given to half a million of dollars. But something, even in such a cause, may be effected by it—something, I devoutly believe, that shall be felt all over our broad land. The essential is that, if little we can do, that little be well done, be done faithfully, in the spirit of the trust, in the spirit of the age, in a spirit not restrictive, not exclusive, but diffusive, universal.

Mr. G. W. JONES modified his motion as follows:

Strike out all the bill after the word "be" in the sixth line of the first section and insert:

Paid by the Secretary of the Treasury to the heirs at law or next of kin of the said James Smithson, or their authorized agents, whenever they shall demand the same: *Provided*, That the Secretary of the Treasury shall, in paying over said money as herein directed, deliver to said heirs all State bonds or other stocks of every kind which have been purchased with said money, or any part thereof, in lieu of so much of said money as shall have been so invested in State bonds or other stocks. And the balance of said sum of money, if any, not so invested, shall be paid out of any money in the Treasury not otherwise appropriated.

Mr. G. W. JONES said it was not his purpose to make a speech on this occasion; but believing, as he did, that this whole matter was wrong; that this Government, in the first instance, had no right and no power to accept of this trust fund, he was in favor of returning the amount of the money or of the stocks in which that money has been invested, to the heirs at law or next of kin of the late Mr. Smithson, whenever they shall make the demand of the Government. He admitted the right of the Government "to borrow money" under the Constitution, but denied that it had any particle of power to deal in stocks or to loan money. We had no power either to receive this money in the first instance, or to invest it in State stocks and fund it, as this bill proposed to do, in perpetuity upon the Government. He wanted to create no such debt upon this Government. He was satisfied that his constituents desired no such debt funded, no such burden imposed upon them.

But, waiving the objection of the want of power on the part of the Government, he was still opposed to the establishment of an institution like that proposed in the bill under the direction and patronage of the Government of the United States. He would be the last man on this floor to say or do anything on this floor or elsewhere to obstruct the enlightenment and education of the people. He was as thoroughly satisfied of the benefits of education as anybody, but he could not sanction the establishment of such an institution under the direction of the Government of the United States. Where might it end? What might such an institution come to be in the course of events? This \$513,000 was to be funded at 6 per cent interest forever. Was there a friend of this measure—was there one who had reflected for a moment on the proposition who believed that when once established they would stop at the appropriation of this 6 per cent interest annually for its support? It was, in his opinion, nothing more than the entering wedge to fastening upon the United States an institution the expenses and appropriations for which would be augmented at almost every session of Congress.

It was neither the right, the power, or the true policy of the Government to attempt to rear up here in the city of Washington an insti-

tution for the education of school teachers, of agricultural professors, etc., to send out into the country. There was too great a tendency to centralization in this Government already, in his opinion. The legitimate and appropriate sphere of this Government was to take care of our concerns with foreign powers, leaving our domestic laws and regulations to be made by the State legislatures. Every measure of this kind had the tendency to make the people throughout the country look more to this great central power than to the State governments.

He had not risen for the purpose of making a speech, but of submitting a few remarks in explanation of his amendment.

Mr. WILLIAM SAWYER (Mr. Jones giving way) said the gentleman's proposition, if he understood it aright, was to refund this money to the heirs of Smithson. Now, he was well informed that Mr. Smithson had no heirs whatever. And if such was the fact he wished to ask of the gentleman how his amendment could be made operative.

Mr. JONES replied that certainly, if he never had heirs, it would be difficult to find them. But he understood that, though he had no children, he had a brother, who was once in this country; and his amendment proposed to refund this money to the heirs or next of kin of James Smithson.

In conclusion, he remarked that if his proposition failed and this Smithsonian Institution was to be established, he should then be in favor of handing over the State stocks, which were purchased by this money, to the managers of the Institution, and of letting them conduct it independently of the Government. And, voting for this proposition, all that related to the establishment of a body politic and corporate he should also wish to have stricken out, for he would vote for the establishment of no corporation by this Government.

Mr. J. R. INGERSOLL expressed his favor for the general features of the bill, but before entering upon the direct question he directed a few remarks to the amendment of Mr. Jones, which he considered entirely futile, as far as any idea of refunding the money to heirs was concerned, inasmuch as it was ascertained beyond doubt that Mr. Smithson had no heirs or next of kin. He had had one son [nephew], who died during his minority, and thereupon this Government, as the residuary legatee, came in possession of the property in legal form from the attorneys in chancery of the executors of Mr. Smithson, at London. This amendment if carried out into a law, therefore, would result in working a forfeiture of the funds to the British Government. But Mr. Ingersoll contended that, as we had received it by solemn act of Congress, and retained it for eight long years, it was now binding, on the ground of faith, honor, and duty, to appropriate it in the manner designed by the testator himself; and the fact that this fund had been invested by the Treasurer of the United States, under direction of Congress, in Arkansas stocks, did not affect this question in any

respect; the Government of the United States being always responsible for the restoration of this fund, and the devotion of it to the proper objects. The fund was sacred in the Treasury of the United States at this moment, and they were pledged, every one of them, to redeem it.

And the true question now presented was, What were the intentions of the donor?

Mr. INGERSOLL here—in reference to an allusion by Mr. Owen to the Girard fund—went into an explanation, at some length, of the circumstances and restrictions of that legacy, the manner in which it had been expended, etc., stating that the reason why the school had not ere this, partially at least, gone into operation was an unfortunate proviso placed by Mr. Girard in his will, that none of the orphans intended to be benefited should be received and educated until the entire five buildings were fully completed according to the plan prescribed by him. Upon this point Mr. Ingersoll yielded to Mr. Owen for explanation.

Recurring to the position that the fact that this fund might have been invested by the act of the Government itself in Arkansas stocks principally, and to a small extent in the stocks of Ohio, Illinois, and Michigan, in no manner diminished its accountability for the amount of its obligation to appropriate in accordance with the intention of Mr. Smithson.

Mr. S. F. VINTON interposed and said if any portion of it was invested in Ohio bonds, of which he was not before aware, the interest on them would be regularly paid.

Mr. ARCHIBALD YELL also (speaking for Arkansas) said we are ready to settle at any time.

Mr. INGERSOLL. I have no doubt of it.

Mr. YELL (in reply to another remark of Mr. Ingersoll not heard by the reporter). Whenever we can bring the Treasury of the United States to a settlement, then we will talk about it.

Mr. INGERSOLL (resuming) said he concurred in the general views of Mr. Owen, especially as at the conclusion of the bill there was a section authorizing Congress to make such changes as from time to time it might deem expedient.

There was one object which he thought the gentleman had overlooked. He had properly provided against the error of the Girard will by providing that this institution should go into operation on the 1st of September next after the passage of the law, as it could go into operation for many of its purposes immediately. But instead of waiting the slow process of gathering materials of instruction, he intended, by an amendment at the proper place, to propose that the results of the exploring expedition and the articles of the National Institute, many of which were now being injured for want of a proper place of

deposit, and both which were the property of the Government, should be placed in the Smithsonian Institution until there should be substituted for them articles collected by that Institution itself.

He agreed with Mr. Owen that a great library, such as was provided for in the bill which passed the Senate two years ago, was not desirable, and said that the necessary buildings to contain the greatest library in the world would in its own erection exhaust the entire sum. This Capitol itself would not be sufficient to contain 800,000 volumes, which would be the largest library in the world, so properly arranged as to be accessible. A library was not the object of Mr. Smithson; but that it should cover general ground, in which all objects of science (if possible) should be included, and among the rest he agreed with the bill in the propriety of appropriating a part of the annual fund to the preparation of instructors, to be sent out throughout the whole country. He would also appropriate a part of the fund to the defraying the expenses of the delivery of annual lectures by our most distinguished men at different points throughout the country for scientific instruction.

Mr. INGERSOLL gave some other general views, approving decidedly the object of the institution, and warmly urging the bounden duty of Congress to apply it according to the intentions of Mr. Smithson and to discharge the obligations imposed upon it by the acceptance of this trust.

Mr. G. W. JONES modified his amendment by inserting, after the words "next of kin," the words "or residuary legatee."

Mr. F. P. STANTON next addressed the committee as follows:

Mr. CHAIRMAN: It has been a matter of very general complaint that there has been great delay in performing the trust imposed upon this Government by its acceptance of the Smithsonian bequest. Whether this complaint be well or ill founded, all will agree that the time has now arrived for decisive action and that the honor and good faith of the Government require a speedy application of the fund to its destined purpose.

Very nearly eight years have elapsed since the magnificent sum of half a million of dollars, sanctified by the will of James Smithson to the humane purpose "of increasing and diffusing knowledge among men," has been received into the Treasury of the United States.

But if this delay is to be regretted on some accounts, at least one great advantage has accrued: The interest of the fund has accumulated to such an amount that every necessary building for the complete accommodation of a most extensive institution may be immediately constructed without any diminution of the original sum. That will remain untouched, the fruitful source of perpetual supply and support for the beneficent establishment which may be created by the bill.

Besides, sir, during this long period of delay many plans have been suggested and discussed, some learned reports have been made

in this House and in the Senate, and the public attention has been so engaged upon this interesting subject that we are now doubtless prepared to dispose of it intelligently and in a manner which will fully meet the high and liberal purposes of Mr. Smithson. There is no longer any justification for delay. Everything is ready, awaiting our action, and the wise and benevolent in all quarters are anxiously expecting us to perform our solemn duty in reference to this noble bequest.

But there is, at this peculiar juncture in our affairs, still another consideration strongly appealing to the national honor and urging the immediate disposition of the fund according to the will of the donor. James Smithson was an Englishman. Yet he passed by his own powerful and splendid Government—one which has never failed or refused to contribute liberally to the cause of science—and selected our plainer and simpler institutions as the more appropriate depository of the sacred trust to which he devoted the whole of his large fortune. Our relations with England at the present moment are thought to be very critical. I do not anticipate war. I have little fear that two enlightened nations, whose interests are deeply involved in the maintenance of peace, will, in the nineteenth century, rush into a sanguinary and destructive war, even upon so grave a question as that which now disturbs them. Yet there are many who look upon the present crisis with more serious fears, and all must acknowledge that war is possible; that very slight mismanagement on either side might lead to that disastrous end. Now, if war should take place, it would be most dishonorable to our Government that a large fund, given by a benevolent foreigner to found an institution of the most peaceful and beneficent character, should remain in the Treasury and be used to carry on war against the very nation from whom the charitable gift was received. I hope, sir, we shall avoid the possibility of such humiliation by adopting the measure before us without delay. Should we fail to do so and hostilities occur, the omission will never cease to be the fruitful source and occasion of those bitter attacks upon our honesty and the moral tendency of our institutions which have long filled the pages of English periodicals and the journals of English travelers. Their denunciations then would have a much better foundation than they usually have. We should be somewhat at a loss to repel them. The ordinary charge of faithlessness and repudiation of pecuniary liabilities would be nothing in comparison; this would be the gross violation of a sacred trust, which no circumstance could palliate, no emergency could justify.

I intend, Mr. Chairman, to support the bill in its present form. There is doubtless a wide field for the selection of means to accomplish the great design unfolded in the comprehensive words of Mr. Smithson's will. Any plan which may be adopted for the attainment of this

end must necessarily be the result of compromise, for it is not to be expected that any two minds, acting separately, would arrive at the same conclusion upon this important subject. I understand this bill to have been thus framed by the committee which reported it. As a result of the conflicting opinions of wise and experienced men, harmonized by comparison, discussion, and mutual concession, it is entitled to very high respect. But I think its intrinsic merits will be found to be its most imposing recommendation.

Before attempting to notice the provisions of the bill I will refer briefly to an objection which, if valid, would be paramount to all other considerations. It was with surprise and regret that I heard the objection of my colleague (Mr. Jones) to this bill on the ground of unconstitutionality. I would have regretted opposition upon such grounds from any quarter, but much more when it comes from my own State. I would have preferred that Tennessee should have occupied a different position.

My honorable colleague insists that the Government ought not to have accepted the trust and that the money ought now to be restored. It is true the United States were not bound to accept the trust. They might have rejected Mr. Smithson's magnificent donation and deprived the American people of the rich blessings which may now be conferred upon them by its wise and faithful use. But better counsels prevailed; they did accept it by a law of Congress, and in so doing they assumed a solemn obligation to apply the fund according to the will of the testator. The faith of the Government is pledged—it is doubly pledged—first, by receiving the money and retaining it eight years, with an express agreement to apply it faithfully; and secondly, by the very nature of the sacred objects to which the trust is directed, so binding and obligatory in their high demand upon the honor of the nation, that it would be sacrilege and barbarism to repudiate the claim.

I do not propose to enter the field of constitutional discussion. That is a hackneyed subject and I am sure the occasion does not require that line of argument. Nothing, sir, more clearly demonstrates the utter impracticability and absurdity of those extreme opinions upon constitutional questions sometimes advocated here than the opposition on such grounds to the measure now before us. The common and general judgment of the people, the united and almost universal concurrence of politicians of all classes, unhesitatingly discard and condemn the narrow and illiberal sentiment. An institution of the greatest importance, most beneficial to the people of this country, founded not with funds exacted by taxation but built upon the liberality of a distinguished foreigner, who has so far sanctioned our political structure as to confide to it the execution of a sacred trust for the benefit of the human race—this Institution, located within a territory over which Congress has exclusive jurisdiction, surely can not involve the exercise

of a power unauthorized by the Constitution or in the slightest degree dangerous to the integrity of our political principles. Mr. Smithson was not wrong in supposing this Government possessed the power to convey to its people a gratuitous benefit of the first magnitude. His benevolent design will not be frustrated by this imaginary impediment, for I do not dream that it can interpose even a momentary obstacle to the passage of the bill.

It will not be denied that this large fund properly applied may be made the instrument of much good. The benefit will be enjoyed primarily and peculiarly, if not entirely, by our own people. Its indirect influence, it is to be hoped, will hereafter extend abroad, but it is chiefly here that its benign effects are to be felt as long as the Institution shall exist. It ought, then, to be an object of great care and of peculiar interest to the Government. All necessary arrangements should be liberally made, and with the wisest possible adaptation to the great end in view.

One of the preliminary provisions of the bill transfers the whole fund to the Treasury, and requires the Government to assume the perpetual payment of interest at the rate of 6 per cent per annum. This is certainly a very slight contribution, yet inconsiderable as this responsibility may be on the part of the Government, and by no means to be named as a donation or even as a favor when it is considered that the fund is a gift to the country, it is nevertheless a matter of the first importance to the Institution itself. It secures for it a permanent support and places its revenues beyond the power of any contingency. No one, I presume, except my colleague will object to this provision. By adopting it the United States will evince a disposition to fulfill the high trust they have assumed in a spirit of liberality and justice somewhat worthy of the great object sought to be accomplished.

But while the Government will contribute in this small way to the Institution, it will receive a direct compensation which far more than balances the sacrifice made. The bill proposes to appropriate a portion of the public grounds in this city for the buildings and gardens necessary for the establishment. Handsome yet useful structures will be erected, and the cultivation of the grounds will render them beautiful and attractive, while they may still be accessible to the harmless examination and enjoyment of the public. All this will be done out of the Smithsonian fund; and the expense which the Government would otherwise incur by carrying out the original plan of the city, as designed by Washington, will be avoided, while all its desirable advantages will be obtained. The benefit will be mutual to the Government and to the Institution.

So, also, in regard to the transfer of the specimens of natural history, of minerals, and other scientific and curious objects now in possession of the Government and kept at the Patent Office. The exhi-

bition and preservation of these things are now the source of some expenditure. When they shall be transferred, as proposed in this bill, this expenditure will cease, or be removed from the public Treasury to the fund of the Institution. They will be equally subject to public examination, while they will be made to answer a more useful end, as constituting the basis of instruction for able and scientific professors.

My remarks so far, Mr. Chairman, relate only to some unimportant preliminary arrangements not affecting the general scope and design of the proposed Institution. These must now be examined; and I propose to do it with reference to the probable design of Mr. Smithson, to be inferred from his own pursuits and character of mind; from his selection of our Government to execute his will, and from the language in which he has expressed his intentions.

I do not propose to enter upon any biographical sketch of Mr. Smithson, or to go into a history of his philosophical labors. I will merely state what has been truly said by the gentleman from Indiana [Mr. Owen], that he was ardently devoted to science, and that his pursuits were eminently practical and utilitarian in their character. The physical sciences, in their application to the useful arts—mineralogy, geology, and chemistry—in its application to agriculture constituted his chief employments. His investigations are referred to and quoted with respect by the great German chemist, Liebig.

It is more than probable that one whose mind was constantly occupied with these subjects and filled with the visions of rich promise which must be realized in their future investigations, when munificently endowing an institution for increasing and diffusing knowledge among men, looked particularly to those sciences which will be most fruitful in great results, and to which, on that account, he himself was deeply devoted. It is precisely these sciences, and these applications of them, which I understand this bill to be designed and calculated to promote.

Nor was it strange, sir, that with such sentiments and such designs Mr. Smithson should have selected our Government as the instrument to accomplish his objects. Although it must be acknowledged that this Government has heretofore contributed little or nothing to the advancement of science by any direct aid or encouragement—and although the points at which it even comes in contact with the scientific world are extremely few, and it is felt to be a great desideratum that these connections should be increased—yet Mr. Smithson had the penetration to discover that the United States are the foremost people of the world in the facility of adapting themselves to the progressive improvements of the age. No other people are now making such rapid strides in the application of science to the great purposes of human industry. This tendency, so very marked at the present day,

is doubtless the result of our free institutions, giving untrammelled scope and powerful motive to the energies of the individual man—no longer making the citizen subservient to the power and glory of the Government, but using the latter as a mere instrument to protect the rights and promote the welfare, improvement, and happiness of the former. The olden philosophers considered it a prostitution of the sacred character of science to direct it, in any degree, to the material interests of man. In modern times the sentiment is justly reversed, and that philosophy which does not contribute to the useful pursuits of life is considered of comparatively little value. In this age, and in this country, the new application of philosophy is exhibiting its most glorious results, and giving promise in the future of still more wonderful improvements. Doubtless it was this tendency of our institutions, and the effect not obscurely marked out in the amazing energy and inventive power of our people, which induced the wise and benevolent Smithson to select this Government as the agent for accomplishing his will. It is not difficult to discover that this condition of the people, the result of our peculiar political institutions, will reflect back its influence upon the Government, and infuse a portion of its energetic and enlightened spirit into all its departments. We have already seen some such result. Some operations of an important scientific character have of late been undertaken by the direct application of the national power.

First in importance among these has been the establishment in this city of the Observatory, connected with the hydrographical department of that nondescript fire-and-water Bureau of Ordnance and Hydrography. I believe this interesting establishment has grown up gradually from the very necessity of the case and without any direct authority looking immediately to such a result. And, in the estimation of some, it seems still to be considered a very unimportant concern, for I have seen a bill lately reported in the Senate proposing to detach the establishment from the Bureau of Ordnance and connect it with that of Yards and Docks, thus bringing the erection of ship-houses, foundries, and workshops into juxtaposition and intimate relation with the most delicate and difficult observations of the heavenly bodies and the most intricate calculations of astronomy. This classification is probably founded upon the similarity supposed to exist between the wheels of a steam engine and the rings of Saturn, or the bands of a lathe and the belts of Jupiter. The Naval Committee of the House, however, have not had the penetration to see these very recondite points of connection, and they have proposed to erect a separate bureau of hydrography, placing the astronomical and hydrographical operations of the Government upon the most permanent, useful, and independent basis. If there be any branch of the public service worthy of this advantage, it is that which is now so well and efficiently conducted by Lieut. M. F. Maury.

Heretofore our astronomical knowledge has been chiefly derived from foreign nations. We have used the English Nautical Almanac, and our vessels have been guided upon the broad ocean by observations and tables prepared by our rivals and adversaries in all commercial enterprise. We have contributed nothing whatever to this branch of science, useful as it is, and directly connected with the great interests of commerce and navigation. For our most important charts, also, we have been dependent upon other nations. Until recently, if even now, we have had no establishment at which our vessels could be supplied with maps and charts necessary to enable them to perform a cruise with convenience and safety, and we certainly have not had the information of a hydrographical character which would enable the Navy Department to plan an attack upon any foreign port, even in the Gulf of Mexico.

But, sir, the establishment of the Observatory, if its important objects be liberally seconded, will remedy these defects and wipe off from our character what I can not but consider a disgrace to the most enlightened people upon earth. Its services will not be confined to the preparation of maps and charts, the preservation of nautical instruments, the regulation and correction of chronometers, with other kindred practical duties; its operations will be still more extensive and important. Already have the elements for an American nautical almanac been obtained by observation, and the liberal patriotism of the House is invoked for a small appropriation to compute and print them. It is now in contemplation, too, if the work has not already been commenced, to enter upon a system of most extensive observation, including all the important fixed stars to be observed in our latitude—a more comprehensive and magnificent, as well as useful, work than has ever yet been undertaken in any part of the world. I have it from the highly intelligent and scientific Superintendent of the Coast Survey that the number of stars noted in the Nautical Almanac is too limited for the convenient conduct of his important observations.

It will be found here, as well as in other important works of a similar kind, that the labors about to be entered upon at the Observatory will prove to be highly important and valuable. They will enable us to make some return to the science of the world for that large supply which we have heretofore illiberally drawn from it; and they will contribute to elevate our Government in the eyes of other nations.

I have said so much upon this subject, sir, because no provision is made in this bill for any astronomical establishment, and because, upon former occasions, it has been urged with great ability, and from a distinguished quarter, that the greater part, if not the whole of this fund, should be appropriated for this purpose. The venerable gentleman from Massachusetts will understand my allusion. It has been

with great pleasure and profit, and with complete sympathy in the noble enthusiasm of the author, that I read the report of that gentleman, made to this House in 1842, upon the disposition of the Smithsonian bequest. He seems to have been imbued with a most exalted sense of the sublimity of the great objects heretofore accomplished and hereafter to be attained by the ardent and laborious pursuit of astronomy. Sir, there is no mind not wholly destitute of elevation and wholly ignorant of the stupendous wonders and glories of the universe as revealed to the gaze of "star-eyed science," who could read that able report and not be deeply affected by it. I quote the following passage:

The express object of an observatory is the increase of knowledge by new discovery. The physical relations between the firmament of heaven and the globe allotted by the Creator of all to be the abode of man are discoverable only by the organ of the eye. Many of these relations are indispensable to the existence of human life, and, perhaps, of the earth itself. Who can conceive the idea of the earth without a sun but must connect with it the extinction of light and heat, of all animal life, of all vegetation and production, leaving the lifeless clod of matter to return to the primitive state of chaos or to be consumed by elemental fire. The influence of the moon—of the planets, our next-door neighbors of the solar system—of the fixed stars scattered over the blue expanse, in multitudes exceeding the power of human computation, and at distances of which imagination herself can form no distinct conception; the influence of all these upon the globe we inhabit and upon the condition of man, its dying and deathless inhabitant, is great and mysterious, and in the search for final causes to a great extent inscrutable to his finite and limited faculties. The extent to which they are discoverable is and must remain unknown, but to the vigilance of a sleepless eye, to the toil of a tireless hand, and to the meditations of a thinking, combining, and analyzing mind secrets are successively revealed, not only of the deepest import to the welfare of man in his earthly career, but which seem to lift him from the earth to the threshold of his eternal abode; to lead him blindfold up to the council chamber of Omnipotence, and then, stripping the bandage from his eyes, bid him look undazzled at the throne of God.

I quote this eloquent passage to show, by the testimony of one who understands the subject well, the character of the results to be expected from the extensive cultivation of astronomical science. I think it will be admitted that though the discoveries now to be expected in that field will be well calculated to elevate the soul and fill it with wonder and amazement, nothing of a very practical or directly useful nature in its bearing upon the immediate pursuits of life is to be expected beyond the increased accuracy and extent of observations necessary for nautical and topographical purposes. I am by no means disposed to undervalue the importance of this sublime branch of human knowledge. Nor will I undertake to say that investigation of the heavens may not produce new results, intimately connected with and highly important to some of the economical purposes of life. What I mean to say is, that the discoveries yet to be made promise only, or at least chiefly, to gratify that high and laudable curiosity which seeks to know and understand, as far as human intelligence may, the sublime and won-

derful works of the Creator. New double stars may be discovered, revolving about each other, by the operation of strange and unknown laws, the investigation of which may be a subject of profound interest. Their compensating colors, shedding a mixed stellar influence upon an intimate and curious examination, may possibly reveal to some penetrating eye new and important truths connected with the theory of light. The occultation of Jupiter's satellites enable us to measure its velocity with almost absolute exactness. The contrasted colors of these wonderful binary stars may eventually settle the question, if it be not already settled, between the theory of undulations and that of particles emanating in straight lines, and may, in some lucky hour to some favored son of genius, unfold distinctly and forever the apparently intricate and now hidden relations of light, heat, electricity, magnetism, and gravitation. A higher and more complete generalization of the great phenomena of the universe may be accomplished, and it is wholly impossible to tell how directly and immediately such discoveries may bear upon the practical pursuits which contribute to the physical well-being of man. Who at the present day can calculate the influence exerted upon the happiness of man during successive generations by the knowledge of those three strange and wonderful laws discovered, not without long and laborious investigation, by the celebrated Kepler? Who can trace their consequences in the subsequent discoveries of that science, or rather, I should ask, what would now be our knowledge of the planetary system and our ability to apply it to exact nautical purposes if those laws and all that results from them were at this day a blank in astronomical science? That the radius vector of a planet describes equal areas in equal times! How simple a law, yet how pregnant of consequences, incalculable in extent and value!

Notwithstanding these admissions and my deep conviction of the great value of astronomical truth, I can not think that field of knowledge likely to be so productive of useful fruit that the Smithsonian fund ought ever to have been directed entirely or chiefly to that object. But whatever may have been the conflict of opinion in this respect the dispute is put to rest by the establishment of the observatory. It is a matter of high gratification to my mind that the Government has at last awakened to the importance of the subject and has found a complete justification in the hydrographical and topographical necessities of its service by sea and land for the endowment of so useful an institution; and I am glad, sir, to hear it announced that the distinguished gentleman from Massachusetts finds his laudable enthusiasm for a noble branch of science fully met and satisfied by the establishment in question.

I think, Mr. Chairman, if there be anything plain and obvious in reference to the plan to be adopted for the Smithsonian Institution, it

is that no university or college of an ordinary kind would come within the scope of the testator's intentions, or would contribute properly to the end desired. We require something connected with the great practical purposes of life—something in accordance with the progressive spirit of the age—something looking immediately to the elevation, improvement, and happiness of the great mass of the people. Sir, it is not to be denied that most of our best institutions of learning are not of this character. They look chiefly to the past, searching for the obscure beginnings of knowledge in the dead languages and in the writings of ancient sages, poets, and philosophers. It is our business to look chiefly to the great future, with its glorious fruits, ready to burst from a teeming soil, warmed and enlightened by the great sun of science, which now diffuses its energetic rays into every corner of human affairs, wherever life, vegetable or animal, and wherever mental or physical power in its ten thousand inventive forms may find a foothold for existence.

In a letter of Dr. Thomas Cooper, of South Carolina, addressed to Mr. Forsyth, July 20, 1838, in answer to inquiries on the subject of the Smithsonian bequest, that distinguished gentleman says:

I object to all belles-lettres and philosophical literature, as calculated only to make men pleasant talkers. I object to medicine.

I object to law. Ethics and politics are as yet unsettled branches of knowledge.

I want to see those studies cultivated which, in their known tendencies and results, abridge human labor and increase and multiply the comforts of existence to the great mass of mankind.

Richard Rush, of Philadelphia, writes to the Secretary of State on the same subject on the 6th of November, 1838, and proposes a plan for the institution not greatly dissimilar from that proposed by this bill. I quote this short passage:

A university or college in the ordinary sense, or any institution looking to primary education, or to the instruction of the young merely, does not strike me as the kind of institution contemplated by Mr. Smithson's will; declaring it in language simple yet of the widest import to be "for the increase and diffusion of knowledge among men," and making the United States the trustee of its intentions, it seems to follow that it ought to be as comprehensive as possible in its objects and means, as it must necessarily be national in its government.

These letters are to be found in the report of Mr. Adams to this House in 1842. The passage quoted seems to me to be highly judicious, and correctly descriptive of the true character of the institution required. And I think, sir, the bill under consideration conforms in its provisions to the general views expressed in these passages and to those which I entertain. All the labors of the Institution will be directed to the more useful sciences and arts, and its advantages must necessarily be eminently practical and popular. These are the great leading considerations, which should commend this bill to the favor of the House and of the country.

I proceed to notice more particularly the general characteristics of the plan. I pass over the organization of the Institution as a corporation, not regarding that as a matter of any importance. As this feature is opposed, I am very willing to see it altered. I approve the elasticity and freedom of action, very wisely conferred upon an institution, new and untried in its application to the great objects in view. Very considerable latitude of control as to the means to be used is given to the board of managers, and the ends to be aimed at are described in comprehensive terms. But the most ample guaranty for the wise and faithful use of this discretionary power is obtained in the fact that the board will consist of the Vice-President of the United States, the Chief Justice of the Supreme Court, three Senators, three members of the House, and six others to be chosen by joint resolution of the two Houses, who are required to submit to Congress annual reports of the operations, expenditures, and condition of the Institution. In addition to all this there is reserved the power to alter and amend the charter, as the results of experience may render necessary or expedient. All these provisions seem to be wise, and make it almost impossible that any abuse or misapplication of the fund can ever take place.

The sixth section of the bill provides for a "professor of agriculture, horticulture, and rural economy," giving him power to employ such laborers and assistants as may be necessary "to cultivate the ground and maintain a botanical garden"—"to make experiments of general utility throughout the United States"—"to determine the utility of new modes and instruments of culture, and to determine whether new fruits, plants, and vegetables may be cultivated to advantage in the United States." These provisions comprehend all which relates to the great agricultural interest. No one, I presume, will question the probable usefulness of these provisions to aid and benefit by far the largest number of our citizens who employ the greatest amount of capital, and whose productions are the very basis of our prosperity, wealth, and happiness. I regret, sir, that in connection with this arrangement there is no express provision for a professor of chemistry; but as a chemical laboratory is provided for, and as the professors are required to be of the most useful sciences and arts, I presume this professorship would be considered first in importance, and would by no possibility be omitted.

In some parts of the country it is not unusual to hear objections against the application of science to agriculture. I have heard it questioned even here whether experiments and investigations conducted in Washington City can be of any use in other latitudes, soils, and climates throughout our extended country. I maintain, sir, that science in agriculture is practicable, and that its cultivation even here at the seat of government may be made to contribute most important benefits to all parts of the Union; for, let it be remembered, science

is but the classification of facts expressed in the shape of general rules or laws. If any important fact be omitted in the process of induction the result will be erroneous and calculated to mislead. But continued experiment and investigation will eventually point out the omitted or misplaced fact, and gradually a true science will grow up, rising from the first rude attempts, through various gradations of improvement, up to its highest and most perfect form. Results predicted from certain operations without due consideration and experience of all attending facts and circumstances, changes of soil and climate, would not be verified except by the merest accident. But is it not plain that the experiments here, disseminated throughout the country by appropriate means and illuminated by all existing knowledge as to the influence of varied circumstances, will be seized upon by the intelligent and skillful agriculturist in all quarters and submitted to still further tests in order to eliminate the ultimate truth—the most general law—divested of all extraneous facts? The experiments made abroad will be reflected back again to the central institution, and they will enable it to correct its conclusions whenever these may have proved to be to any extent erroneous. If this professorship should accomplish nothing more than to point out the mode of investigation to be adopted, and to compare the results in different quarters and give information of them, this of itself would be an essential service to agriculture.

It will not be disputed, however, that there are some things in agriculture of a general nature which science at any place can determine with absolute certainty. One might theorize in reference to processes of cultivation, and the results would be very generally erroneous. It might be plausibly argued that to disturb and break the roots of a stalk of corn by the usual mode of cultivation must injure the health and produce of the plant. But experience determines precisely the contrary; whether it be that new and more numerous small roots are put out, penetrating to every part of the soil, and thereby obtaining abundant nutriment, or whether it be simply that the oxygen and carbonic acid gas of the air and of the soil are rendered more accessible to the roots of the plant by the loosened texture of the ground. Yet when the agricultural chemist ascertains that the stalk, leaf, or grain of any plant contains certain substances, the silicates, phosphates, or carbonates, and that these are indispensable to their perfection, he is enabled to predicate with absolute certainty that these substances must be in the soil, or that the plant will not flourish. This is a species of information of the utmost importance, and applicable under all circumstances and in all climates. In its perfect form, when science shall have expended her fruitful labor upon it, it will enable the farmer to control the growth of his crop and give it any desired development, just as he now controls the growth of his domestic animals, raising his cattle for milk or for beef, and his sheep for wool or for mutton, at his pleasure.

I would say, sir, in reference to this, what I have said of another branch of science, and indeed what may be said of all knowledge, that it is impossible to foresee the great results to which they will lead. I have unbounded faith in the resources of science in all her departments, and I look forward with the expectation of discoveries and improvements far more important and wonderful than anything which has yet been accomplished. The magnetic telegraph is a marvel, but it does not mark the extreme boundary of human ingenuity.

Another leading and important feature in this bill is that it proposes "a professor of common school instruction, with other professors, chiefly of the more useful sciences and arts," and that it contemplates the education of young persons as teachers of common schools. It looks to the education of the people—to the increase and diffusion of knowledge among the great mass. Of course this aid to the cause of popular education can only be of the most general kind. No direct application of the means of the Institution to that purpose could be expected. But while this provision is one of high generality, it is, nevertheless, one also of controlling efficiency, calculated to be highly beneficial in its directory influence. If a number of the best teachers, imbued with all the useful science of the age and thoroughly qualified for imparting knowledge to the young mind by the most improved modes, can be sent abroad to all parts of the country, doubtless a great point will have been gained. No business is so imperfectly understood and so badly conducted in some parts of the Union as that of teaching. An institution which will have the effect of improving and elevating the standard of instruction generally will be a great national blessing.

Does anyone doubt that the scheme proposed in this bill can be made to produce that result? Even though teachers may not be generally furnished for all sections, an immense advantage will be obtained by the diffusion of correct information as to the proper mode of organizing schools and the best plans for instruction. The most important kinds of knowledge are too frequently altogether neglected in our primary schools. Let the members of this House look back to their schoolboy days and compare the instruction they received with that which is now dispensed in the best public schools. We were fortunate, sir, very fortunate, if we were taught anything more than words; if physical science constituted any part of our early instruction; if our attention was directed for a moment to the things around us, among which and with which we were bound to accomplish our destiny. Important changes have now taken place, and not among the least important is that of teaching the outlines of physical science at the very earliest period—to make the child acquainted with the nature of the ten thousand natural objects around him—to give him some idea of the structure of the globe he inhabits and of the system of which this

planet is a part. This is knowledge which the child can comprehend and which the man can never fail to use with advantage. It is properly the first knowledge to be imparted, lying obviously at the very foundation of all good education.

How much has been accomplished of late in this respect may be inferred from the following passage, which I read from the last report of the trustees of the Public School Society of New York:

A circular sent to the teachers of the public schools about three weeks since resulted before they closed in not less than 10,000 elementary cabinets of geology for nearly the same number of families, collected, labeled, and assorted by the pupils, securing in very many instances a hearty interest and essential aid from their parents and other friends. Public school No. 15 collected, prepared, labeled, and distributed not less than 400 such cabinets in one day, etc.

These are interesting facts. They show that the science of education is advancing with the general march of improvement; and they render no longer doubtful the propriety and importance of devoting a portion of the means of this national institution to assist in carrying forward even more rapidly this great movement of the age.

The bill provides for the "preparation of sets of illustrations, specimens, apparatus, and schoolbooks suitable for primary schools." I consider these provisions of the highest importance. Next to the furnishing of proper teachers is the necessity for proper instruments of education. Indeed, I do not know but this should be placed foremost in importance, for with the best illustrations, apparatus, and books, the teacher could scarcely fail to perform his part with the greatest advantage and the best success. The propriety of having "professors of the most useful sciences and arts" connected with the "normal branch" of this Institution is too obvious to require a single remark.

The bill does not propose (for indeed the proposition would be absurd) to give to such schoolbooks as may be prepared any authority other than that which the character of the Institution and their own intrinsic worth would impress upon them. But it is very certain that able and experienced men, directing their minds particularly to that object, would be prepared to give to the world something far better than we now possess—something in the way of elementary books which would essentially contribute to the uniformity and efficiency of general education. I think it will be acknowledged by all who know anything of the subject that such books for primary schools are at this moment a great desideratum. I know of no means by which greater benefit could be conferred upon the people at large than by the judicious preparation and cheap supply of such books. They would be equivalent to a great plan of education, emanating from the highest and best authority, causing the light of all modern science and modern improvement to converge into every country schoolhouse in the land.

There are other features in this bill, Mr. Chairman, upon which it would be interesting to comment, if the hour allotted by the rules of the House would permit. The lectures by able men of science, the cheap and useful publications, and the investigations which the managers have power to direct may be made, by judicious direction, to contribute to the most useful and important ends. But these things will suggest themselves to the mind of every intelligent man.

I approve heartily the provision which forbids the establishment of any school of law, or medicine, or divinity, or any professorship of ancient languages. The scope of my remarks throughout has been in accordance with this view and, I hope, will fully justify the position. The number of persons who could be educated by all the funds of this Institution must, of necessity, be very limited; and unless they be instructed with a view to communicate the light and diffuse the knowledge received, the benefits of the establishment would not be general.

The annual appropriation of \$10,000 for the gradual formation of a library might have been limited to a smaller amount with a better result. But the managers will doubtless act with wisdom and discretion.

By proper management this Institution may doubtless be made the instrument of immense good to the whole country. To the Government it will be of no slight advantage. It will be a great Institution. It may attain a character as high as that of the French Academy; and its authority will then be decisive in reference to numerous questions of a scientific nature, continually presented to the committees of Congress and the Departments of Government for determination and consequent action. Such an institution is greatly needed in the Federal city. It is fortunate, not less for the public service than for the advantage of the individual citizen, that the opportunity is now afforded to accomplish so important an object. I can not doubt that the opportunity will be seized with alacrity and improved with something of that spirit of liberality and intelligence which I think is embodied in the bill now before the committee.

Mr. WILLIAM SAWYER moved to amend the bill by striking out "six," in the first section, and inserting in lieu thereof "five."

There was a motion pending to strike out the whole bill, and therefore this motion to amend was in order.

The ninth section was not under consideration, but when it should be he would move to amend it, in the fourth line, by inserting after the word "therein" the following proviso:

*Provided*, That such students shall be selected from the different States and Territories of the United States according to the ratio of representation in Congress.

He thought 5 per cent as high a rate of interest as was proper. He was not willing that his constituents should be saddled with so high a rate of interest as 6 per cent, for the people must pay it out of their pockets. For a permanent loan 5 per cent was high enough.

The other amendment which he would propose related to the regulations for the admission of students into the various departments of the Institution. He proposed to take the students from the different States and Territories of the United States, according to their representation in Congress, so that they shall not all be taken from Virginia, Maryland, and this District, as had been the case in regard to all other appointments. Heretofore nine-tenths of all appointments had been made from this District and the neighboring States. Other States had been blotted out from the vocabulary of appointments. There was a bill before the House to do this, but it was impossible to reach it, obstacles being thrown in the way whenever it was attempted. While we were passing laws for creating more public institutions, it was proper to make a proviso that the persons benefited by it should be taken from every portion of the Union instead of one locality. With proper modifications he was disposed to vote for this bill.

Mr. D. P. KING had some amendments, he said, to propose to the bill at a proper time. In establishing an institution like this, for the increase and diffusion of knowledge among men, there ought undoubtedly to be some arrangement for the education of teachers. He would propose that lands and buildings be provided for young men to enable them to prepare for such an education as will qualify them for usefulness and to teach others. He proposed that persons should be received who, by their labor, would maintain themselves. He was desirous of promoting the interests of the yeomanry of the country—of cultivating the hand as well as the head and heart—and he hoped provisions for these objects would be made in the bill. He should move to insert in the seventh section, after the word “professors” the words “of agriculture.” A very large portion of the people were agriculturists, and it was the most useful and interesting object of pursuit. He wished to provide for the use of those who became students lands and buildings, with a view to enable them to engage in practical agriculture.

He was not disposed, at this time, to go into the subject fully, but he submitted that the best mode of carrying out the objects of the donor was to promote agricultural knowledge.

Mr. R. D. OWEN had a few words to say in reply to the gentleman from Ohio [Mr. Sawyer], who had urged that the rate of interest should be 5 instead of 6 per cent. He would ask the committee generally whether, in regard to a perfect gratuity—a fund for public objects to which this Government had not contributed one cent—we ought not to be willing to pay as large an interest as we were ordinarily obliged to pay on loans? Ought we not to yield something to the object of the bequest?

It must also be considered that by this bill much expense was saved to the Government. Should this plan be carried out it would save all the expenses attending the preservation of the collections of the explor-

ing expedition. These could not be taken care of without considerable expense. It would also be recollected that it was a part of General Washington's plan in laying out this city to extend the public grounds from the Capitol to the President's House. These grounds embraced more than 100 acres, and should they be embellished and improved according to the original design the expense would be very great. All these expenses were to be defrayed by the Smithsonian Institution. All that was asked was the ordinary interest of 6 per cent, which the Government had recently been obliged to pay.

In regard to the ninth section of the bill, he would be glad if the objections of the gentleman from Ohio should prove to be good, and that there should be such an overflow of applications for admission into the Institution as to render any restrictions necessary. He apprehended that there would be no necessity for such restrictions, for we did not propose, as at the West Point Academy, to pay any expenses of the students. In case of such a rush for admission as the gentleman anticipated, he would admit that the students ought to be divided among all the States and Territories. He would agree to vote for the amendment, but he apprehended that the chief difficulty would be in getting a sufficient number of persons to come.

Mr. D. P. KING said he had proposed such a modification of the plan as would enable students to pay their board by laboring on the farm of the Institution.

Mr. OWEN said that this point was before the committee, and it was agreed that young men might be employed as managers and laborers, if they were willing, while they were pursuing their studies.

Mr. SAWYER remarked that it had been suggested that the ninth section already provided for this object. But he must insist upon it that it did not, and to prove it he would read the section, as follows:

That the said board of managers shall also make rules and regulations for the admission of students into the various departments of the Institution, and their conduct and deportment while they remain therein.

The same provision applied to officers of the Institution, but the managers were not instructed to distribute among the several States and Territories all the students applying for admission.

Mr. JEFFERSON DAVIS said that so far as the Government was concerned the bill conferred no powers on it. All objections on that score were unfounded. He was afraid that the benches of the Institution would not be filled to overflowing, and that no restriction would be necessary on that score. The ninth section might stand as it was for the present, and when necessary Congress could amend the act in order to meet any circumstances that might arise. In the meantime he would throw open the door to all, whether for a single lecture or for a whole course, and he regarded lectures as the greatest means of extending knowledge which had been adopted in modern times. It was second only to the invention of the art of printing.

Everything in the bill tended to the increase and diffusion of knowledge among men.

Some had urged that the trust ought not to have been accepted. It was too late to make that objection. He held that we were now obliged to carry it into execution, and as to the funds themselves, they ought to be considered as money still in the Treasury, unconnected with any stocks. He regretted that anyone had proposed to return the stocks to the heirs or kin of the original owner.

Mr. G. W. JONES said he did not profess to understand the whole doctrine of trusts, but if trust funds were placed in the hands of the Government, was the Government bound to keep the money, instead of investing it? Was the Government bound to pay interest on it without investing it?

Mr. DAVIS. That will depend on the character of the fund. The fund was given in trust for a specific object.

Mr. JONES. Suppose the fund had been left to the gentleman from Mississippi; was he bound to keep it and pay 6 per cent interest upon it? Or, if he invested it in Mississippi or other State stocks, in good faith, would he be bound as trustee to make good the principal and interest of the fund?

Mr. DAVIS could, he said, answer that case in perfect conformity with his own views and feelings on the subject. He would reject the trust unless he was willing to execute it; and if he misapplied the money and delayed to execute the trust for eight years he would consider himself bound in honor to make good the whole fund.

Mr. DAVIS continued. He would admit that the Government had no authority to take charge of the subject of education, and he did not consider this bill as liable to that objection. The normal school system he considered as highly beneficial, serving to produce uniformity in the language and to lay the foundation of all sciences. The spelling book of Noah Webster, which had been used extensively in our primary schools, had done more to produce uniformity in our language in this country than anything else. If we sent out good school books from this institution it would be of vast service to the country.

Mr. DAVIS enlarged upon the benefits which would result to science and the diffusion of every kind of useful knowledge from an institution which would gather young men from the remotest parts of the country at the common point where every facility for practical instruction would be afforded. The taste of the country would be refined, and he did not consider this as antidemocratic. Knowledge was the common cement that was to unite all the heterogeneous materials of this Union into one mass, like the very pillars before us. If there was any constitutional objection to the establishment of a corporation he was willing to strike out that feature in the bill and pre-

serve the remainder. But let us do something to carry out the objects of the testator, or let us throw back the fund upon the chancery court of England.

Mr. G. P. MARSH desired, he said, to add a few words on this subject, but was unable to proceed at present in consequence of indisposition. He therefore moved that the committee rise.

Some conversation ensued, upon which Mr. MARSH withdrew the motion.

Mr. J. Q. ADAMS expressed a wish that some progress be made in the bill by taking a vote on some of the amendments.

The question was then taken on the amendment offered by Mr. Sawyer, and it was decided in the negative.

On motion of Mr. MARSH the committee then rose and reported progress.

*April 23, 1846—House.*

Mr. LINN BOYD offered a resolution providing that all debate on this bill should cease in one hour and a half after it should again be taken up in committee unless sooner disposed of, and that the committee should then proceed to vote on amendments pending or to be offered.

Mr. J. R. INGERSOLL moved to amend the resolution by striking out "one hour and a half after it shall have been taken up in committee," and inserting "two o'clock."

Mr. JAMES GRAHAM moved that the resolution and amendment be laid on the table. Agreed to.

The Speaker (Mr. JOHN W. DAVIS) announced the unfinished business to be the special order of yesterday, the bill to establish the Smithsonian Institution for the increase and diffusion of knowledge among men.

On motion of Mr. R. D. OWEN, the House resolved itself into Committee of the Whole (Mr. ARMISTEAD BURT, of South Carolina, in the chair), and resumed the consideration of the said bill.

Mr. G. P. MARSH, of Vermont, after some preliminary observations, said: I agree, Mr. Chairman, with those who doubt whether it was entirely wise in the Congress of the United States to accept the munificent bequest of Mr. Smithson. Were the question now first presented I should hesitate. Not that I deny or even doubt the power of Congress to administer this charity, but I should question the propriety of assuming a trust which there is too much reason to fear we shall not discharge in such a manner as to give the fullest effect to the purposes of the enlightened donor. The history of this bequest confirms these scruples. It is now nearly ten years since Congress, by a solemn act, assumed the trust and pledged "the faith of the United States" to its faithful execution. The money was soon after received and immediately passed out of the hands of the Government, not irrevocably, it is to be hoped, but it is, at all

events, now beyond our control, and no portion of it has been yet applied to the noble ends of the bequest. The difficulties which have thus far prevented the application of the fund to its proper uses still exist, and are of a character not likely to be removed. Our Government has no department which can be conveniently charged with the administration of the charity, and must therefore begin with the organization of one for that special purpose. In this incipient step we meet with obstacles at every corner. Questions are at once raised that are not yet solved, and are certainly in themselves of no easy solution. How far can, how far ought, Congress to act in the direct control of the charity—how far should it make specific what the will of the testator has left general? If Congress shall direct the particular uses to which the fund shall be applied, what shall those uses be? Or shall we, on the other hand, delegate the trust; and, if so, shall we impose its duties on departments already too heavily burdened with official responsibilities, or shall we create a corporation or other special agency for the purpose? Is there not danger that the institution will be abused for party ends, and merely serve to swell the already overgrown patronage of the Executive? A previous suggestion of these difficulties might well have led us to hesitate before we contracted obligations of so delicate a character, and I fear they are yet destined for some time longer to impede the satisfactory action of Congress.

But it is now quite time that we apply ourselves in earnest to the work of redeeming our country from the reproach of infidelity in the discharge of so high and solemn a trust, and that at the earliest practicable period, and before the subject shall become an element in our party dissensions, we strive to make available to our fellow-citizens and to all men a gift as splendid as its purposes are noble.

The delay, long and unwarrantable as it is, has not been without its issues. It has afforded abundant time for the collection, comparison, and concentration of opinion; able men in every walk of scholastic and professional life have been consulted; many of the wisest American statesmen have brought the energies of their intellects to the examination of the subject; it has been largely discussed in both branches of the National Legislature; numerous studiously considered plans have been suggested, providing in different ways for every interest which can be supposed to be embraced within the views of the testator, and the bill now before us is a compilation, an anthology, so to speak, from all these, though possessing original features—valuable features—the credit of which belongs to the chairman of the special committee (Mr. Owen), by whom the bill was reported.

In a case where there is room for so great diversity of opinion as in this there can be no hope of the adoption of any plan not conceived in a spirit of compromise; and on this, as on another larger question,

however widely apart we may be at first, we shall probably find ourselves in the end obliged to settle down upon the parallel of 49°. The bill is reported by the special committee as a compromise, and probably no one of the gentlemen concerned in its preparation is quite satisfied with its provisions; no one believes it to be the best plan that could be devised; but they felt the necessity of deferring to each other, as well as to the probable opinion of Congress, and were nearly unanimous in thinking it more likely to harmonize discordant views than any other plan suggested. It was in this belief, and in consideration of the importance and the duty of early action, that I, as a member of that committee, assented to the report, regarding the scheme, however, not merely as a necessary compromise, but as rather an experiment, which admitted, and which I trusted would hereafter receive, great changes in its conditions, than as a complete working model.

It has all along been assumed as a cardinal principle that we ought to follow implicitly the will of the liberal donor, and it has been thought unfortunate that he was not more specific in the appropriation of his bounty. But he has given a proof of a generous and enlightened spirit, and at the same time has paid this nation the highest possible compliment, by using the largest and most comprehensive language in his bequest; thus in effect saying that he preferred rather to intrust the disposal of this great fund to the wisdom and intelligence of a free and enlightened people than to limit its use to purposes accordant with his own peculiar tastes. Some gentlemen have thought that inasmuch as the testator has not specified the particular mode by which he would have the great ends of his charity accomplished we are bound to infer his wishes from the character of his favorite pursuits and to conform to his supposed views by confining the fund to the promotion of objects to the cultivation of which his own time and researches were devoted; but this would be no true conformity to the enlightened liberality which prompted so munificent a gift. It would be a disparagement to so generous a spirit to imagine that while saying so much he meant so little. It would be so wide a departure from his large and wise purposes as fairly to defeat his noble aims. Had he been in fact a person of so narrow views as this argument supposes, he would have guarded against the possible misapplication of his charity by express words of direction or restriction; and it is a proof of rare generosity in an enthusiastic lover of an engrossing pursuit that in a bequest appropriating his whole estate to the high purpose of increasing and diffusing knowledge among men he made no special provision for the promotion of those sciences which were to him the most attractive of studies.

After all, however, he was not a student of so limited a range of inquiry as has been sometimes assumed. He was a man of studious and scholastic habits and of large and liberal research, specially

devoted, indeed, to the cultivation of certain branches of natural knowledge, but excluding no science, no philosophy, from his sympathies. Too enlightened to be ignorant of the commune vinculum, the common bond of mutual relation, which makes all knowledges reciprocally communicative and receptive—each borrowing light from all and each in turn reflecting light upon all—he was too generous to confine his bounty to the gratification of tastes entirely similar to his own. None of the objects embraced in this bill are alien from his probable views. Books, indeed, he did not collect, as we propose to do, because to one who had no fixed habitation a library would have been but an incumbrance, and he lived in the great cities of Europe, where public and private munificence has collected and devoted to general use such ample repositories of the records of knowledge that individual accumulation of such stores is almost superfluous. But, though he gathered no library, his writings show him to have been a man of somewhat multifarious reading, and it is quite a gratuitous assumption to suppose him to have been one of those narrow minds who think no path worth traveling but that which they have trodden, no field worth cultivating whose fruits they have never plucked. Apart, then, from the liberty which the broad words of the will give us, we are entitled to believe that the purposes of the testator were as comprehensive as the language he has used—that he aimed at promoting all knowledge for the common benefit of all men—and to appropriate to the American people, in a spirit worthy of the object and of ourselves, the compliment he has paid us by selecting us as the dispensers of a charity which knows no limits but the utmost bounds of human knowledge and claims as its recipients the men of this and of all coming ages.

The limitation of the bequest, then, is to the “increase and diffusion of knowledge among men.” Here two objects are aimed at—*increase*, enlargement, extension, progress; and *diffusion*, spread, communication, dissemination. These the bill seeks to accomplish by various means. It proposes to increase knowledge by collecting specimens of the works of nature from every clime, and in each of her kingdoms; by gathering objects in every branch of industrial, decorative, representative, and imaginative art; by accumulating the records of human action, and thought, and imagination in every form of literature; by instituting experimental researches in agriculture, in horticulture, in chemistry, and in other studies founded upon observation. It proposes to diffuse the knowledge thus accumulated, acquired, and extended by throwing open to public use the diversified collections of the Institution in every branch of human inquiry; by lectures upon every subject of liberal interest; by a normal school where teachers shall become pupils, and the best modes that experience has devised for imparting the rudiments of knowledge shall be communicated; by preparing and

distributing models of scientific apparatus; and by the publication of lectures, essays, manuals, and treatises.

Of the various instrumentalities recommended by this noble and imposing scheme, the simplest and most efficient, both as it respects the increase and the diffusion of knowledge, is, in my judgment, the provision for collecting for public use a library, a museum, and a gallery of art, and I should personally much prefer that for a reasonable period the entire income of the fund should be expended in carrying out this branch of the plan.

But in expressing my preference for such a present application of the moneys of the fund, and my belief that we should thus best accomplish the purposes of the donor, I desire not to be understood as speaking contemptuously of research and experiment in natural knowledge and the economic arts. I have too much both of interest and of feeling staked upon the prosperity of these arts, and they are to me subjects too intrinsically attractive to allow me to be indifferent to any measure which promises to promote their advancement. I am even convinced that their earnest cultivation and extension are absolutely indispensable to our national prosperity, our true independence, and almost our political existence, and I am at all times ready to maintain their claim to all the legislative favor which it is within the power of the General Government to bestow. I would not, therefore, exclude them from the plan of a great national institution for the promotion of all good learning; but I desire to assign them their true place in the scale of human knowledge, and I must be permitted to express my dissent from the doctrine implied by the bill, as originally framed and referred to the special committee, which confines all knowledge, all science, to the numerical and quantitative values of material things. Researches in such branches as were the favored objects of that bill, have in general little of a really scientific character. Geology, mineralogy, even chemistry, are but assemblages of apparent facts, empirically established; and this must always be true, to a great extent of every study which rests upon observation and experiment alone. True science is the classification and arrangement of necessary primary truths, according to their relations with each other, and in reference to the logical deductions which may be made from them. Such science, the only absolute knowledge, is the highest and worthiest object of human inquiry, and must be drawn from deeper sources than the crucible and the retort.

The bill provides for the construction of buildings, with suitable apartments for a library, and for collections in the various branches of natural knowledge and of art, and directs the annual expenditure of a sum "not exceeding an average of \$10,000, for the gradual formation of a library composed of valuable works pertaining to all departments of human knowledge." As I have already indicated, I

consider this the most valuable feature of the plan, though I think the amount unwisely restricted; and I shall confine the few observations I design to submit respecting the bill chiefly to the consideration of this single provision. I had originally purposed to examine the subject from quite a different point of view, but the eloquent remarks of the chairman of the special committee [Mr. Owen], which seem to be intended as an argument rather against this provision than in favor of the bill, and as a reply to the able and brilliant speech of a distinguished member of another branch of Congress upon a former occasion [Mr. Choate], has induced me to take a somewhat narrower range than I should otherwise have done. I wish, sir, that Senator were here to rejoin, in his own proper person, to the beautiful speech of the gentleman from Indiana, who seems rather to admire the rhetoric than to be convinced by the logic of the eloquent orator to whom I refer. In that case, sir, I think my friend from Indiana, trenchant as are his own weapons, would feel as many have felt before, that the polished blade of the gentleman who lately did such honor to Massachusetts in the Senate of the United States, is not the less keen, because, like Harmodius and Aristogiton, he wraps it in sprays of myrtle.

It has been objected by some, that the appropriation is too large for the purpose expressed—"the gradual formation of a library composed of valuable works pertaining to all departments of human knowledge." But if we consider how much is embraced in these comprehensive words, we shall arrive at a very different conclusion. The great libraries of Europe range from 200,000 to 500,000, or perhaps even 750,000 volumes. That of the University of Göttingen, the most useful of all for the purposes of general scholarship, contains about 300,000. How long would it require to collect a library like this, with an annual expenditure of \$10,000. The Library of Congress is said to have cost about \$3.50 per volume; but as a whole it has not been economically purchased, and though composed chiefly of works which do not maintain a permanently high price, yet as a large proportion of the annual purchases consists of new books from the press of London, the dearest book market in the world, its cost has been much higher than that of a great miscellaneous library ought to be. The best public library in America for its extent (10,000 volumes), which I am happy to say is that of the university of my native State, Vermont, costs but \$1.50 per volume. It can hardly be expected that the Government, which always pays the highest price, will be so favorably dealt with; and it is scarcely to be hoped that it will succeed in securing the services of so faithful and so competent an agent as was employed by the University of Vermont.

I have myself been, unfortunately for my purse, a book buyer, and have had occasion to procure books not only in this country but from all the principal book marts in Western Europe. From my own expe-

rience and some inquiry I am satisfied that the whole cost of such books as a national library ought to consist of, including binding and all other charges, except the compensation and traveling expenses of an agent, should not exceed \$2 per volume. If you allow \$2,000 for the compensation and expenses of an agent (which would not be increased upon a considerably larger expenditure), you have \$8,000 remaining, which, at the average cost I have supposed, would purchase 4,000 volumes a year. How long, I repeat, would it require at this rate to accumulate a library equal in extent to that of Göttingen? More than seventy years. In some seventy years, then—in three score years and ten—when you, sir, and I, and all who hear my voice, and all the present actors in this busy world shall be numbered with the dead, we may hope that free, enlightened America, by the too sparing use of the generous bounty of a stranger, will possess a collection of the recorded workings of the human mind not inferior to that enjoyed by a single school in the miniature kingdom of Hanover. And what provision is made for the increase of books meanwhile? Look at the activity of the presses of London and Paris—at the vastly prolific literature of Germany—at the increasing production of our own country—to omit the smaller but still valuable contributions to the store of human knowledge in the languages of other countries, and you will perceive that this appropriation, so far from being extravagantly large, will scarcely even suffice for keeping up with the current literature of the day. Göttingen meantime will go on; her 300,000 volumes will increase in seventy years to half a million, and we shall still lag 200,000 volumes behind.

The utility of great libraries has been questioned, and it has been confidently asserted that all truly valuable knowledge is comprised in a comparatively small number of volumes. It is said that the vast collections of the Vatican, of Paris, of Munich, and of Copenhagen are in a great measure composed of works originally worthless, or now obsolete, or superseded by new editions, or surpassed by later treatises. That there is some foundation for this opinion I shall not deny, but after every deduction is made upon these accounts, there will still remain in any of these libraries a great number of works which, having originally had intrinsic worth, have yet their permanent value. Because a newer or better or truer book upon a given subject now exists, it does not necessarily follow that the older and inferior is to be rejected. It may contain important truths or interesting views that later and, upon the whole, better authors have overlooked—it may embody curious anecdotes of forgotten times—it may be valuable as an illustration of the history of opinion, or as a model of composition; or, if of great antiquity, it may possess much interest as a specimen of early typography.

Again, because any one individual, even the most learned, can not

in this short life exhaust all art, because he can thoroughly master but a few hundred volumes, read or even have occasion to consult but a few thousands, we are not therefore authorized to conclude that all beyond these are superfluous. Each of the hundred authors who have produced those thousands of volumes had read also his thousands. The scholar is formed not by the books alone that he has read, but he receives at second hand the essence of multitudes of others; for every good book supposes and implies the previous existence of numerous other good books.

An individual even of moderate means, and who is content to confine his studies within somewhat narrow bounds, may select and acquire for himself a library adequate to his own intellectual wants and tastes, though entirely unsuited to the purposes of one of different or larger aims, and by the diligent use of this he may attain a high degree of mental culture; but a national library can be accommodated to no narrow or arbitrary standard. It must embrace all science—all history—all languages. It must be extensive enough, and diversified enough, to furnish aliment for the cravings of every appetite. We need some great establishment that shall not hoard its treasures with the jealous niggardliness which locks up the libraries of Britain, but shall emulate the generous munificence which throws open to the world the boundless stores of literary wealth of Germany and France—some exhaustless fountain, where the poorest and humblest aspirant may slake his thirst for knowledge, without money and without price.

Of all places in our territory, this central heart of the nation is the fittest for such an establishment. It is situated in the middle zone of our system—easily and cheaply accessible from every quarter of the Union—blessed with a mild, a salubrious, and an equable climate—abundant in the necessaries and comforts of physical life—far removed from the din of commerce, and free from narrow and sectional influences.

Let us here erect a temple of the muses, served and guarded by no exclusive priesthood, but with its hundred gates thrown open, that every votary may enter unquestioned, and you will find it thronged with ardent worshipers, who, though poverty may compel them to subsist, like Heyne, on the pods of pulse and the parings of roots, shall yet forget the hunger of the body in the more craving wants of the soul.

From the limited powers of our National Government, and the jealous care with which their exercise is watched and resisted, in cases where the interests of mere humanity—not party—are concerned, it can do little for the general promotion of literature and science. The present is a rare opportunity, the only one yet offered, and never perhaps to be repeated, for taking our proper place among the nations of the earth, not merely as a political society, but as patrons of knowl-

edge and the liberal arts. The treasures of our national wealth are, perhaps, not at our command for this purpose; and it is only by the discreet use of this bequest, and of the funds which private liberality will assuredly contribute to extend the means of the Institution, that we can hope to kindle a luminary whose light shall encompass the earth, and to repay to Europe the illumination we have borrowed from her.

The library of Göttingen, of which I have spoken, contains six times as many volumes as the largest American collections; it has been accumulated within a comparatively short period—scarcely a century—and, having been selected upon a fixed plan by the ablest scholars in the world, it contains few books originally without merit, few duplicates, and few which the progress of science and literature have rendered worthless. And yet, though upon the whole the best existing library, it, in many departments, does not approach to completeness, and the scholars who resort to it are often obliged to seek elsewhere sources of knowledge which Göttingen does not afford.

We shall perhaps be best able to estimate our own deficiencies and wants by comparing the contents of our Congressional Library with the actual extent of existing literature. The Library of Congress contains more than 40,000 volumes, in general valuable and well chosen, with not many duplicates, not many books that one would altogether reject. It is not composed, like too many of our public libraries, in any considerable degree, of books which have been given, because the proprietor found them too worthless to keep, but it has been almost wholly purchased and selected from the best European sale catalogues, and yet there is no one branch of liberal study, even among those of greatest interest to ourselves, in which it is not miserably deficient.

There is perhaps no better general catalogue of such books in the various departments of learning, as are prized by collectors, than the *Table Methodique*, in the last edition of Brunet's *Manuel du Libraire*. Brunet enumerates more than 30,000 works, making in the whole about 100,000 volumes, and professes to specify only the most important and the rarest. The list contains, no doubt, very many works of little intrinsic worth, or even of adventitious interest; but it is, perhaps, not too much to say that a library of the larger class ought to possess at least 25,000 of the volumes it specifies. But this list is even tolerably complete in but few departments. In French history and literature, in civil and international law, in the history and literature of classical antiquity and of early typography, in theology, in medicine, you will find it perhaps nearly satisfactory; but in the history and literature of all other nations, and in almost every other field of inquiry but those I have mentioned, the learned scholar will miss the titles of many more valuable works than he will find, while many highly interesting and important chapters are almost entirely

blank. The Congressional Library does not probably contain one-fourth even of the small proportion of Brunet's list which I have described as of intrinsic and permanent value. But are there not numerous branches of knowledge well worthy a place in every great literary repository, and which are yet wholly unrepresented in our alcoves? Let us devote a moment to some dry statistics concerning the literature of continental Europe. The *Bibliotheca Historica Sueo-Gothica* of Warmholtz, the last volume of which appeared in 1817, enumerates no less than 10,000 works illustrative of the history of Sweden alone; and the thirty years since have added greatly to the number. The *Literatur-Lexicon* of Nyerup, published in 1820, gives the titles of probably an equal number of works belonging to the literature of the countries subject to the Danish Crown. Holland, too, has noble historians, naturalists, poets, and dramatists, and has produced many works of unsurpassed value upon the history of commerce and navigation. The list of Brunet contains not one in a hundred of the standard authors of these several countries; and the Library of Congress, as far as I remember, does not possess a volume in the language of either of them. Again, consider the vast extent and surpassing value of the literature of Germany. Of the 3,000,000 different volumes of printed books supposed to exist, it is computed that more than one-third are in the German language. The learning of Germany embraces every field of human inquiry, and the efforts of her scholars have done more to extend the bounds of modern knowledge than the united labors of the rest of the Christian world. Every scholar familiar with her literature—let me not say familiar, for life is too short for any man to count its boundless treasures—but every enlightened student who has but dipped into it, will readily confess its infinite superiority to any other, I might almost say to all other literatures. It has been affirmed that more than one-half of our population is of recent German origin, and German is the vernacular tongue of extensive districts of American soil. Yet the Library of Congress contains not one hundred, probably not fifty, volumes in that noble language. You have none of the numerous writers of the vast empire of Russia, or of Poland; nothing of the curious literatures of Hungary and Bohemia; only the commonest books in Italian and Spanish; not a volume in the language of Portugal, rich as it is in various literature, and especially in the wild yet true romance of Oriental discovery and conquest that comes down to us through the pages of learned De Barros and quaint old Castanheda, ringing upon the ear and stirring the blood like the sound of a far-off trumpet. In the boundless world, too, of Oriental learning, of which our increasing commercial relations with the countries of the East render it highly desirable that we should possess the means of acquiring a knowledge, you have nothing to show but a few translations of the Bible, and perhaps some

works of devotion or elementary religious doctrine, which American missionaries have presented you.

Will it not be admitted that an American library, the national library of a people descended from men of every clime, and blood, and language—a country which throws open its doors as an asylum for the oppressed of every race and every tongue—should be somewhat more comprehensive in its range? That it should at least have some representatives of every branch of human learning, some memorials of every written tongue that is spoken within its borders?

But, even in English literature our Library is sadly meager. How far are we from possessing a tolerably complete series of the English printed books of the fifteenth and sixteenth centuries, or even of that best age of English learning, that age with which every honest American most truly sympathizes, the age of Cromwell and of Milton? Would it not be well to have at our command the means of enabling some diligent scholar to write what has not yet been worthily written, or indeed scarce even attempted, a complete history of the literature of our Anglo-Saxon mother tongue—or to perform that herculean task which, in spite of the vaunted but feeble labors of Webster, remains still to be accomplished—the preparation of a respectable English dictionary?

If there is any department of learning in which a library selected for the use of the representatives of a democracy should be complete, it is that of history. But what have we of the sources of historical investigation? Histories, indeed, we have; but little history. True, we have Robertson, and Hume, and Voltaire, and Gibbon, and, above all, Alison, a popular writer in these days, and—

Like Sir Agrippa, for profound  
And solid lying, much renowned;

but of those materials from which true history is to be drawn we have little, very little. The works belonging to the proper history of the American Continent alone, every one of which it would be highly desirable to possess, number certainly more than 20,000 volumes, fully equal to one-half the Congressional Library, and of these we have, as yet, but a small proportion.

If the bounty of the generous foreigner, in spite of the broad language which expresses his liberal purpose, is to be confined to the narrow uses which some gentlemen propose, the appropriation of \$10,000 per annum is unnecessarily large, at least for permanent expenditure. A moderate amount would collect all that is worth buying in the experimental sciences, and a small annual appropriation would keep up with the advance of knowledge in this department. But it is due to ourselves, due to our age, due to the lofty views which inspired a benefaction so splendid—a gift clogged with no narrow conditions—that we act in a more generous, a wider, a more

all the experimental sciences owe to this one science, which in its investigations appeals to no empiricism, calls in the aid of none of the senses, none of the machinery of art or of nature.

But, independent of this particular point, the aid which the physical sciences may expect to derive from mere speculative knowledge, I should hope that at this time, and in this place, one might safely venture a plea in behalf of all that higher knowledge which serves to humanize, to refine, to elevate, to make men more deeply wise, better, less thoughtful of material interests, and more regardful of eternal truths. And let it not be said that our own brief history proves that great libraries are superfluous, because without them we have produced statesmen, civilians, orators, and jurists, nowise inferior to the ablest of their European contemporaries. Without dwelling upon the stimulus of popular institutions, and the stirring excitement of our revolutionary and later history, which have tended to encourage the development of this species of talent, the objection is sufficiently answered by saying that, in the case of most of the American statesmen of the Revolution, as well as of many of later date, private wealth has supplied the place of public provisions for the attainment of knowledge. In the period of our colonial history, the sons of wealthy families were often educated in the best schools of Europe, and the framers of our Constitution were chiefly men of high education and elegant attainments. Jefferson, whose writings are canonical with the democracy, had the best private library in America, and was a man of multifarious if not of profound learning. The State papers of that remarkable era are, with few exceptions, obviously productions of men not merely of inspired genius or of patient thought, but of laborious acquisition; and they are full, not of that cheap learning which is proved by pedantic quotation, but of that sound discipline which is the unequivocal result of extensive reading and diligent research. Who have been the men in all ages that have exercised the widest and most permanent influence both on the moral and physical well-being of man? The spirit of the crusades was roused by the preaching of a thoughtful solitary; Columbus was a learned scholar, and Luther but a studious monk. Watt, the great improver of the steam engine, was a man of curious and recondite learning. Bonaparte was carefully educated at the school of Brienne, and was through life a liberal patron of learning and the arts. The glorious rebellion of 1649 was the work of men of the closet, and Milton, who to our shame is less known among us by his prose than by his poetry, was its apostle. Our own independence was declared and maintained by scholars, and all men know that the French revolution had its germ in the writings of the Encyclopædists. All men, in fact, who have acted upon opinion, who have contributed to establish principles that have left their impress for ages, have spent some part of their lives in scholastic retirement.

It is this very point—the maintenance of principles discovered and defended by men prepared for that service by severe discipline and laborious study—that so strikingly distinguishes the English rebellion of 1649 and our own Revolution from most other insurrectionary movements, and particularly from the French revolution. The English and American statesmen of those two periods were contending for truths, the French atheists and philosophers for interests; the former sought to learn their duties, the latter concerned themselves only about their rights; the Anglo-Saxon was inspired by principle, the Gaul was instigated by passion.

The principles of American liberty, which education and habit have rendered so familiar to us that we fancy them intuitive or even instinctive, are in truth no more obvious than the physical theory of the universe; and the study of the philosophical and political history of the last three centuries will convince every inquirer that their development from their germs as involved in the fundamental doctrines of the Reformation has been the work not of unconscious time only, but has required the labor of successive generations of philosophers and statesmen.

I look upon a great and well-selected library composed of the monuments of all knowledge in all tongues as the most effective means of releasing us from the slavish deference, which in spite of our loud and vapping protestations of independence we habitually pay to English precedents and authorities in all matters of opinion. Our history and our political experience are so brief that in the multitude of new cases which are perpetually arising we are often at a loss for domestic parallels, and find it cheaper to cite an English dictum than to investigate a question upon more independent grounds. Not only are our parliamentary law, our legislative action, our judicial proceedings, to a great extent fashioned after those of the mother country, but the fundamental principles of our Government, our theory of the political rights of man, are often distorted in order that they may be accommodated to rules and definitions drawn from English constitutional law. Even the most sacred of political rights, the right of petition, I have heard both attacked and defended upon this floor by very sufficient Democrats entirely upon precedents drawn from the practice of the British Parliament. Our community of origin, language, and law exposes the younger nation to the constant danger of being overshadowed by the authority of the elder. It is a great evil to a young and growing people as well as to a youthful and aspiring spirit to have its energies cramped and its originality smothered by a servile spirit of conformity to any one model, however excellent; and it is quite time for us to learn that there are other sources of instruction than the counsels and example of our ancient mother.

Sir, I make these remarks in no narrow feeling of jealous hostility

to England; still less at this crisis, when some are seeking to raise a whirlwind of popular indignation against that country upon which they may themselves float to power, would I join in any vulgar denunciations of a people from whom we have borrowed so much. We owe to England much of our political principles, many of the foundations of our civil and religious liberties, many of the most valuable features of our jurisprudence. Something, indeed, we have repaid. England, in common with all Europe, has profited by our experience. The grasp of feudal oppression has been relaxed, the atrocious severity of the criminal law has been mitigated, judicial proceedings have been simplified, the subject has been admitted to a larger participation in the concerns of government, monopolies are becoming obsolete, and the responsibilities of rulers are felt to be more stringent. To the credit of many of these ameliorations we may fairly lay claim; while in science and its application to the arts we have sustained no disgraceful rivalry with our trans-Atlantic brethren. But no generous man thinks his debt of gratitude canceled till it is thrice repaid, and we have therefore yet much to do before we can say that America is no longer the debtor of England. Let us then seize this one opportunity which a son of her own has offered us and build with it a pharos, whose light shall serve as well to guide the mariner in the distant horizon as to illuminate him who casts anchor at its foot.

But what are we offered instead of the advantages which we might hope to reap from such a library as I have described? We are promised experiments and lectures, a laboratory, and an audience hall. Sir, a laboratory is a charnel house, chemical decomposition begins with death, and experiments are but the dry bones of science. It is the thoughtful meditation alone of minds trained and disciplined in far other halls that can clothe these with flesh, and blood, and sinews, and breathe into them the breath of life. Without a library, which alone can give such training and such discipline, both to teachers and to pupils, all these are but a masked pageant and the demonstrator is a harlequin. This is not a question of idle speculation, it is one that experience has answered. There are no foci which are gathering and reflecting so much light upon the arcana of natural science as the schools of Paris and of Germany, and all scholars are agreed that the great libraries of those seminaries, and the mental discipline acquired by the use of them are, if not the sole means, at least necessary conditions of their surpassing excellence.

But we are told that these experimental researches will guide us to the most important of all knowledge, that, namely, of common things. Sir, what are common things? Is nothing common but these material frames of ours; nothing but the garments we wear, the habitations that shelter, and the food that nourishes us; nothing but the air we breathe, the fowls of heaven, the beasts of the field, the herbs, the trees, and

the rocks around us? Is nothing common but the glittering sands beneath our feet and the glittering stars on which we gaze? Sir, these are indeed common, and well it is to understand their uses, and, so far as our dim vision can pierce, even their natures also; but are there not things even more common, nearer to our inmost selves, harder, indeed, but more profitable to be understood; objects not limited by the three dimensions, not ponderable, not cognizable by any of the senses, and yet subjects of precise definition, of logical argument, of philosophical interest, and of overwhelming importance? Sir, the soul of man is a very common thing; his relations to his Maker and to his fellows, the laws of his moral and intellectual being, his past history and his probable future destiny, the principles of government and the laws of political economy—all these are common things, the commonest, indeed, of all things, and shall we make no provision for instruction in these?

But, sir, the knowledge of what are called the physical sciences is of far less importance, even in reference to the very objects which they are supposed especially to promote, than is generally believed. There was an age—I should say ages—brilliant and glorious ages of philosophers, of statesmen, of patriots, of heroes, and of artists, and artisans, too—when as yet the sciences of chemistry, and mineralogy, and metallurgy had neither name nor being; when experimental research was unknown, and the raw material of the arts was prepared for subsequent manipulation in no laboratory but the hidden workshops of nature; when the profoundest philosophers were content with resolving all material things into the four elements, and men knew nothing of that subtle analysis and those strange powers whereby the elements themselves are decomposed, the ingredients of the atmosphere solidified, and granite, porphyry, and adamant resolved into imperceptible gases. And what, sir, have our boasted researches taught us to accomplish in the industrial arts that the cunning workman of Egypt, and Tyre, and Greece could not do three thousand years ago? Can our machinery rear loftier piles than the Pyramids, or move more ponderous masses than the stones of Persepolis, or the monolithic temples of Egypt? Is a European princess arrayed in finer webs than the daughter of a Pharaoh, or decked in colors more gorgeous than the Tyrian purple? Can the chemistry of England compound more brilliant or more durable pigments than those which decorate the walls of the catacombs of the Nile? Can the modern artist, with all the aid of his new magnifiers, rival the microscopic minuteness of some ancient mosaics, or can the glassworkers of our times surpass the counterfeit gems of antiquity?

Sir, modern chemistry, metallurgy, and machinery have multiplied, cheapened, and diffused—not improved—the products of industrial art; and herein lies our superiority, not that we can do better, but, by bringing to our aid the obedient forces of nature, we can do more, than our predecessors. In this point of view, regarding modern im-

provements in these arts as the great equalizers of the conditions of different ranks in society, no man can estimate them more highly than I do, and I hope soon to have an opportunity of showing that I duly appreciate them. But I must protest against that classification of the objects of human knowledge which, by giving them an undue pre-eminence, elevates empiricism above true science, prefers matter to mind, and in its zeal to advance the means quite loses sight of the end.

Sir, these arts are the right hand, not the spirit, of true progressive democracy; they are the lever that shall move the world, not the immaterial mind that shall guide it.

Mr. Chairman, at present I neither propose nor expect any modification of this bill. I am content with it as an experiment, though I should prefer the appropriation of the entire income of the fund for one generation—three times only as long as it has now lain idle—to the purpose of founding such a library as the world has not yet seen. If I support the bill, I shall support it, I repeat, as an experiment, but in the confident hope that the plan will soon be so changed as to make the Smithsonian Institution a fitter representative of a charity which embraces all knowledge as its object and appoints the whole human race its beneficiaries.

Mr. ISAAC E. MORSE said he desired to submit a few observations in relation to the disposition of this fund.

Expressing the pleasure which he had derived from the argument of the learned and eloquent gentleman [Mr. Marsh] who had just taken his seat, he [Mr. Morse] was still of opinion that if anything could be drawn from the character of the testator, or from his habits and pursuits, as to the direction which he desired his bequest should take, it was of a much more practical nature than that contemplated either by the gentleman from Vermont [Mr. Marsh] or by the originators of the bill before the House. Mr. Smithson was a practical man; and although endowed with the highest learning, he yet condescended to devote his time to a subject of the most domestic and homely character. If his intention had been to establish a university or a magnificent library, and thus to have his name transmitted to posterity, it would have been easy for him to have said so, and nothing would have been left to this country but to carry out his enlightened and liberal intentions. But he had no doubt studied the peculiar character of the American people and discovered that, whilst they entertained a proper respect for the learning and genius of the German universities, of the sciences taught in the universities of Europe, still there was something in the common sense and practical knowledge of that people which comported with his notions; and he desired that this money should be devoted to some plan of diffusing practical and useful knowledge amongst them.

Mr. MORSE, referring to some portions of the argument of Mr.

Marsh, inquired what there was in the learning and science of Europe comparable to the discovery of the steam engine by an American, or of the cotton gin, or of the magnetic telegraph. All our inventions had a tendency to improve the condition of the human race, and particularly of the common people; and it was no doubt under a just and proper appreciation of that character that the testator left his money to be applied to such objects. Did he intend to establish a university? No. Did he intend to establish a magnificent library? No. He knew that the world was full of musty compilations, of the productions of learned authors, to be wondered at more for their extent than for their usefulness. He [Mr. Morse] was not among the number of those who wished to depreciate the learning treasured up for ages past by the bookmakers and book collectors of all nations; but he proposed to offer to the consideration of the committee a substitute which, he thought, would remove some of the constitutional objections raised against the bill and which would, in his judgment, meet the intention of the donor.

He did not wish, however, to interfere with the progress of this bill. He concurred in the opinion which had been expressed, that it was a crime, a burning sin, that this nation should have held this money for ten years, in violation of a solemn trust and in violation of the solemn obligations imposed upon every man who, at this bar, had taken the oath to support the Constitution and to act for the best interests of the people. It was in violation of that spirit which ever ought to actuate the American nation to be the recipient of this munificent sum, and yet to suffer the people—the masses, the *hoi polloi*—to be so long deprived of any benefit from it. But if there was strength enough in the House to pass the bill, he had no particular pride in taking another course. He should, therefore, submit his proposition at the proper time, leaving the committee to act upon it as it might think proper.

The substitute of which Mr. Morse gave notice is in the following words:

A bill to establish the Smithsonian Institution for the "increase and diffusion of knowledge among men."

Whereas James Smithson, esquire, of London, in the Kingdom of Great Britain, by his last will and testament did give the whole of his property to the United States of America to found, at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men; and whereas the creation of a university, academy, or college is liable to constitutional difficulties, sectional jealousies, and would absorb a large proportion of the funds in the erection of buildings, and would more or less interfere with the numerous institutions throughout our country; and with a view of carrying out in the simplest form the benevolent intentions of the donor,

*Be it enacted, etc.,* That the management of this fund shall be entrusted to a board of managers, to be styled the trustees of the Smithsonian legacy, to be composed of the President and Vice-President of the United States, the Chief Justice, during the time for which they shall hold their respective offices, the heads of the different

Departments, the foreign ministers, the mayor of the city of Washington, members of the Senate and House of Representatives, together with seven other persons, two of whom shall be members of the National Institute and resident in the city of Washington, and the other five thereof shall be inhabitants of States, and no two of them of the same State; and the managers to be selected as aforesaid from Congress shall be appointed immediately after the passage of this act—the members of the Senate by the President thereof and the members of the House by the Speaker thereof—and those so appointed shall serve until the fourth Wednesday of December the second next after the passage of this act; and then and biennially thereafter on every alternate fourth Wednesday of December a like number shall be appointed in the same manner to serve until the fourth Wednesday in December the second succeeding their appointment; and they shall also constitute and be denominated a joint standing committee of Congress on the Smithsonian Institution; and vacancies occasioned by death, resignation, or otherwise shall be filled as vacancies in committees are filled; and the other seven managers aforesaid shall serve for the term of two years from the fourth Wednesday of December next after the passage of this act, when and on every alternate fourth Wednesday of December thereafter a new election thereof shall be made by joint resolution of Congress; and vacancies occasioned by death, resignation, or otherwise may be filled in like manner by joint resolution of Congress. And the said managers shall meet and organize, by the choice of a president, in the city of Washington, on the first Monday in September next after the passage of this act, and they shall then fix on the times for regular meetings of the board; and on application of any three of the managers to the superintendent of the said Institution it shall be his duty to appoint a special meeting of the board, of which he shall give notice by letter to each of the members; and at any meeting of the board of managers five shall constitute a quorum to do business. And each member of the board of managers shall be paid his necessary traveling and other actual expenses in attending meetings of the board, which shall be audited and recorded by the superintendent of the Institution; but his service as manager shall be gratuitous. And whenever money is required for the payment of the debts or performance of the contracts of the Institution, incurred or entered into in conformity with the provisions of this act, or for making the purchases and executing the objects authorized by this act, the superintendent or the managers, or any three thereof, may certify to the president of the board that such sum of money is required, whereupon he shall submit the same to a committee of three of the managers, appointed for that purpose, for examination and approval, and upon such examination and approval he shall certify the same to the proper officer of the Treasury for payment. And the said board shall make all needful rules, regulations, and by-laws for the government of the Institution and the persons employed therein, and shall submit to Congress, at each session thereof, a report of the operations, expenditures, and condition of the Institution.

*And be it further enacted,* That so soon as the board of managers shall be regularly and legally organized, it shall be their duty to cause to be published for the space of one year in such of the most widely circulated newspapers in the United States and in Europe, as they may deem best, the offer of suitable rewards or prizes for the best written essay on ten subjects, the most practical and useful which the majority of said board shall determine upon; and when, after a decision upon the relative merits of the different essays, they determine to which the prize shall be awarded on the several subjects, it shall be their duty to have as many copies of each of the essays printed as they may deem best, to be distributed to the governors of the several States, to the several incorporated literary universities, to such European institutions as they may choose, and the balance to be distributed throughout the United States by the members of Congress, thus fulfilling in the letter and spirit the wise and comprehensive intentions of the donor for the increase and diffusion of knowledge among men.

Mr. OWEN desired to say a few words in reply to the gentleman from Vermont [Mr. Marsh], and the gentleman from Louisiana [Mr. Morse]. The gentleman from Louisiana had already given the most important item in reply to the gentleman from Vermont, namely, that we had no right to run counter to what might clearly seem to be the intention of Mr. Smithson. This fund was not ours; it was intrusted to us for a special purpose, and unless we could believe that he would desire, if living, the establishment of a library the money ought not to be so appropriated.

This bill had been framed in a spirit of compromise. The original Senate bill of the last session appropriated \$5,000 for this object. The gentleman from Vermont, Mr. Owen believed, proposed \$20,000. The bill proposed a medium, a sum not exceeding \$10,000. He hoped the House would not go further. A gentleman who had formerly been Librarian of Congress, in conversation with him, had said that he thought it was impracticable to purchase with advantage more than \$10,000 worth of books. The duty must be intrusted to one agent to prevent the purchase of duplicates, and no one agent could purchase advantageously more than this amount, so that there was a practical difficulty in the way.

In relation to the course suggested by the gentleman from Louisiana [Mr. Morse], the same plan had occurred to Dr. Cooper, of South Carolina, but had been rejected by him.

[Mr. Owen here read an extract in support of this assertion.]

As to a cheap publication branch, he would remind the committee that we already had one. In looking over the periodicals of the day it did not appear that the prize essays were the best; the voluntary essays seemed to be so. We should find plenty of treatises of a most useful character without paying a dollar for them. The mere gratification of having them published would be inducement sufficient to enable us to obtain them.

The gentleman said that there should be no laboratory; that it was not the design of Mr. Smithson. The fact that Mr. Smithson spent half of his life in a laboratory seemed to refute this objection.

There was little in the bill of an imperative character in relation to all these various branches. Its phraseology was "may." If, therefore, it was discovered that one branch would be more beneficial than another there was the power to adopt it. There was nothing at all binding about it.

Mr. JOHN S. CHIPMAN spoke urgently in opposition to the bill. His first reason for voting (as he said he intended to do) was based on a fact that was irrevocable, namely, that this Government, great and powerful as it was, prospering and progressing as it was in original native intellect, fostered by institutions known to no other country and no other people, should have consented to be the recipient of what

was called here a munificent donation of half a million from an Englishman to enlightened American republicans in this country. How did it happen that this Government accepted such a boon from a foreigner—an Englishman, too? He looked upon it as a stain on the history of the country, as an insult to the American nation. He wished this Government to wash its hands of all such eleemosynary dealings. There was a native stock in this country, intellectual and physical, that needed no foreign aid, and he trusted in God it would not condescend to receive any.

In making these remarks he would probably be charged with being opposed to education. He was opposed to it in the light in which in modern times it was sought to be inculcated in this country—an education which passed over all thought, all reflection, all originality, and was based upon an intellectual lumber house of undigested and indigestible matter, thrown together in the head of some aspirant after immortal intellectual fame, without originality enough to give character, he would not say to what—he had a term, but probably it might be inappropriate for him to utter it here. How the donor of this money, being an Englishman, came to love this country so well, God only knew; but he (Mr. Chipman) would say that in yielding to his suggestion the country had humbled and degraded itself.

He objected to the bill because, clearly and in terms, it established a corporation. He appealed to his political friends, after all their opposition, after all their arguments, after all their efforts to put down a United States bank on the ground of its unconstitutionality, whether—tickled, amused, their pride touched by the great advantages of dispelling the cloud of ignorance which overshadowed the American Republic—they would now belie all their principles and all their professions? What distinction was there between a corporation in the form of a United States bank and a corporation intended to elevate humanity in close approximation to the throne of Heaven? He appealed to his friends here—to those who held their seats by virtue of the very opposition they had made to the bank of the United States—whether this Government had the power to create a corporation? The rose by any other name, etc., and a corporation by any other name should be as offensive to the Democracy. Was it necessary to label the animal that we might know to what species it belonged, as was done in the case of the Dutchman's picture of a man with the horse, where the name was put upon it that the beholder might know what it was? He declared that the bill proposed the establishment of one of the most withering and deadly corporations, carrying with it all the features of an aristocracy the most offensive that could be established in any country under heaven. He was opposed to an aristocracy of wealth, but he was in favor of an aristocracy of intellect—not of false education—not of knowledge that consisted in bringing together

exploded ideas—but of that knowledge which was the offspring of an intellect patented directly by the Almighty.

Mr. Chipman then proceeded to state some general objections to the bill, diverging considerably into the field of party politics.

In conclusion, he declared himself in favor of some such plan as had been proposed by the gentleman from Tennessee [Mr. Jones].

On motion of Mr. THOS. H. BAYLY, the committee rose, and reported.

Mr. OWEN offered a resolution to close the debate in an hour and a half.

The resolution, by ayes 92, noes 44, was laid on the table. After some conversation—

On motion of Mr. JOHN Q. ADAMS, the rules were suspended, to enable him to offer the following substitute amendment to the bill; which amendment having been read by itself, was referred to the Committee of the Whole on the state of the Union, and ordered to be printed:

Strike out the preamble, and all except the enacting clause. and insert:

That the President of the United States be requested, by the use of suitable means of moral suasion, and no others, to obtain from the governments of the States of Arkansas, Illinois, and Michigan, payment of the arrears of interest due from the said States to the United States, and the interest thereafter, and the principal as it shall become due, according to the promises on the face of the bonds given by the said States for moneys bequeathed by James Smithson, a benevolent Englishman, to the United States of America, for the special purpose of founding at the city of Washington an institution for the increase and diffusion of knowledge among men, which bequest was, by act of Congress, approved on the first of July, 1836, accepted, with a pledge of the faith of the United States that it should be applied to the purposes prescribed by the testator.

SEC. 2. *And be it further enacted*, That when payment shall have been obtained from the said States of Arkansas, Illinois, and Michigan, of the arrears of interest due on their said bonds, Congress shall forthwith proceed to appropriate said sums of interest so recovered, together with the interest hitherto received, or hereafter to be received, until the time of making such appropriations, in such manner as they shall deem suited, to redeem the pledge of the faith of the United States, to the application of the funds of the bequest of the said James Smithson, to the specific purpose prescribed by the testator.

SEC. 3. *And be it further enacted*, That until the arrears of interest due by the said States of Arkansas, Illinois, and Michigan to the United States, upon their said respective bonds, shall have been received at the Treasury of the United States, no appropriation shall be made by Congress chargeable upon the people of the United States for the fulfillment of the purposes prescribed by the testator, James Smithson, for the disposal of his bequest.

SEC. 4. *And be it further enacted*, That within the first thirty days of each and every successive session of Congress it shall be the duty of the Secretary of the Treasury to report to Congress the then actual state of the Smithsonian fund, and particularly the amount of arrears of interest due upon the said bonds of the States of Arkansas, Illinois, and Michigan; together with copies of all correspondence, showing the result of the means of moral suasion used during the preceding year to obtain payment of the said arrears of interest; and the said annual reports shall be printed for the information of the people.

The further consideration of the bill was postponed until the Monday following.

*April 27, 1846—House.*

The Speaker (Mr. JOHN W. DAVIS) said the special order of the day was the bill in relation to the Smithsonian Institution.

Mr. HOWELL COBB offered resolution:

*Resolved*, That all debate in the Committee of the Whole House on the state of the Union on House bill (No. 5) to establish the "Smithsonian Institution," for the increase and diffusion of knowledge among men, shall cease in two hours after the same shall be again taken up in the Committee of the Whole House on the state of the Union (if the committee shall not sooner come to a conclusion upon the same); and the committee shall then proceed to vote on such amendments as may be pending or offered to the same, and shall then report it to the House with such amendments as may have been agreed to by the committee.

The resolution was read; when the question was stated, Will the House agree to the said resolution? Mr. JAMES GRAHAM moved that it be laid upon the table.

And the question being put, it was decided in the negative—yeas, 78; nays, 81.

The yeas and nays being desired by one-fifth of the members present, Those who voted in the affirmative were—

YEAS—Messrs. John Q. Adams, Arnold, Ashmun, Barringer, Bedinger, Bell, Buffington, Burt, W. W. Campbell, J. H. Campbell, Carroll, John G. Chapman, A. A. Chapman, Cocke, Cranston, Crozier, Dargan, Darragh, Garret Davis, Delano, Dixon, Dockery, J. H. Ewing, E. H. Ewing, Foot, Giddings, Graham, Grider, Grinnell, Hampton, Harper, Herrick, Hoge, E. B. Holmes, S. D. Hubbard, Hudson, Washington Hunt, Hunter, C. J. Ingersoll, Joseph Johnson, Daniel P. King, Thomas Butler King, Lewis, Long, McHenry, Marsh, J. P. Martin, Barkley Martin, Miller, Morris, Moseley, Parrish, Payne, Pendleton, Pettit, Pollock, John A. Rockwell, Root, Runk, Seaman, Seddon, Severance, A. D. Sims, Truman Smith, Albert Smith, Caleb B. Smith, Stephens, Strohm, Thibodeaux, Tilden, Trumbo, Vinton, Wood, Woodruff, Woodward, Wright, Yancey, and Young.

Those who voted in the negative were—

NAYS—Messrs. Atkinson, Bayly, Biggs, James A. Black, Bowlin, Brodhead, Brockenbrough, W. G. Brown, R. Chapman, Chipman, Clarke, Cobb, Collin, Constable, Cunningham, Daniel, J. Davis, Dillingham, Dobbin, Dromgoole, Erdman, Faran, Ficklin, Fries, Garvin, Gentry, Giles, Gordon, Grover, Hamlin, Haralson, Harmanson, Hopkins, Hough, G. S. Houston, J. B. Hunt, Andrew Johnson, George W. Jones, Seaborn Jones, Preston King, Lawrence, Leake, Leib, La Sere, Lumpkin, Maclay, McClelland, McConnell, McCrate, McGaughey, McIlvaine, McKay, Morse, Moulton, Norris, Owen, Perrill, Phelps, Price, Rathbun, Relfe, Ritter, Sawtelle, Sawyer, Scammon, Simpson, Thomas Smith, Robert Smith, Stanton, St. John, Strong, Thomasson, Jacob Thompson, Thurman, Tibbatts, Vance, Wentworth, Wick, Wilmot, Yell, and Yost.

The question recurred on agreeing to the said resolution.

Mr. HOWELL COBB moved the previous question, which was seconded, and the main question was ordered and put, viz, Will the House agree to the said resolution? and decided in the negative—yeas, 73; nays, 85.

The yeas and nays being desired by one-fifth of the members present,  
Those who voted in the affirmative were—

YEAS—Messrs. Stephen Adams, Atkinson, Bayly, Biggs, Bowlin, Brockenbrough, Brodhead, William G. Brown, Augustus A. Chapman, Reuben Chapman, Chase, Clarke, Cobb, Collin, Constable, Cunningham, Daniel, Dillingham, Dobbin, Dromgoole, Dunlap, Erdman, Faran, Giles, Goodyear, Gordon, Grover, Hamlin, Haralson, Harmanson, Hopkins, Hough, George S. Houston, James B. Hunt, Hunter, Andrew Johnson, George W. Jones, Seaborn Jones, Preston King, Lawrence, La Sere, Lumpkin, McClelland, McConnell, McCrate, McKay, Morris, Morse, Moulton, Norris, Payne, Phelps, Price, Rathbun, Reid, Relfe, Ritter, Sawyer, Scammon, Seddon, Thomas Smith, Robert Smith, St. John, Strong, Jacob Thompson, Thurman, Tibbatts, Vance, Wentworth, Wick, Wilmot, Yell, and Yost.

Those who voted in the negative were—

NAYS—Messrs. John Quincy Adams, Arnold, Barringer, Bedinger, Bell, Milton Brown, Buffington, Burt, William W. Campbell, John H. Campbell, Carroll, John G. Chapman, Cocke, Collamer, Cranston, Crozier, Dargan, Darragh, Garret Davis, Jefferson Davis, Dockery, John H. Ewing, Edwin H. Ewing, Foot, Fries, Giddings, Graham, Grider, Grinnell, Hampton, Harper, Herrick, Hilliard, Hoge, Elias B. Holmes, Samuel D. Hubbard, Hudson, Washington Hunt, Charles J. Ingersoll, Joseph R. Ingersoll, Joseph Johnson, Daniel P. King, Thomas B. King, Leake, Lewis, Levin, Long, Maclay, James McDowell, McGaughey, McHenry, McIlvaine, Marsh, Barkley Martin, Miller, Moseley, Parrish, Pendleton, Perrill, Pollock, John A. Rockwell, Root, Runk, Sawtelle, Schenck, Seaman, Severance, Alexander D. Sims, Truman Smith, Albert Smith, Caleb B. Smith, Stephens, Strohm, Thibodeaux, Thomasson, Tilden, Trumbo, Vinton, Wood, Woodruff, Woodward, Wright, Yancey, and Young.

So the said resolution was rejected.

*April 28, 1846—House.*

On motion of Mr. R. D. OWEN, the House resolved itself into Committee of the Whole (Mr. A. BURT, of South Carolina, in the chair) and resumed the consideration of the bill to provide for the establishment of the Smithsonian Institution for the increase and diffusion of knowledge among men, and the amendments thereto pending.

Mr. A. D. SIMS said that, before entering on the consideration of the main question before the committee, he desired to invite its attention to the consideration of the Smithsonian fund, and to express his views upon what he considered to be the true light in which that fund should be regarded.

Under the will of the late James Smithson, the bequest made by him was paid over to the United States. The money, under the action of Congress, was loaned out to certain States. No matter for what purpose that fund might be dedicated, the faith and the honor of the country, by the action of Congress, were pledged to regard it at all times as being in the Treasury of the United States; and the United States was in fact itself a creditor of the States to whom the money was loaned; so that the Arkansas, or Michigan, or Illinois bonds or securities—or the securities of any State to which this money had been

loaned—were in fact debts due to the General Government; and the fund itself must be regarded as in the Treasury of the United States.

Mr. R. McCLELLAND here rose to explain, and (Mr. Sims yielding) said that a misapprehension prevailed in the committee as to the payment of the interest by the State of Michigan on that portion of the Smithsonian fund invested in the bonds of that State. He considered this interest paid; and from the report of the Secretary of the Treasury it appeared that the amount claimed to be due on the 1st of January last was \$181.07; and this had, in all probability, been more than paid by the application of the 5 per cent fund up to this period. In June, 1845, the then auditor-general of the State of Michigan endeavored to obtain a statement of this account and the 5 per cent fund, in order to make provision for the payment of any balance that might be found due, but failed. On the 7th of November last he wrote and requested him (Mr. McClelland) to make the necessary inquiries with the same view; and soon after his arrival, at the commencement of this session, he wrote to the proper department for the required information, but did not receive any reply until the 27th of February, and then he was advised that the small amount before stated was due. This statement he had forwarded to the present auditor-general. He (Mr. McClelland) had no doubt provision would be made for the prompt payment of the interest hereafter to accrue if the 5 per cent fund was found to be insufficient. While up, he would state that the authorities of Michigan had consented to the application of the 5 per cent fund to the payment of this interest, and that the resolution passed by the last Congress, directing this application, was shown to him by the chairman of the Committee of Ways and Means [Mr. McKay] before it was offered, and was fully approved of by him, and was supported by the entire delegation from Michigan in both Houses. In conclusion, he would say that he believed the State would make every effort to pay all just claims against it, and in regard to this fund would at all times pay the interest fairly and honorably.

Mr. SIMS continued. He had not intended, he said, by any remark he had made to inculcate any State to which this fund might have been loaned. He merely wished to show what the duty and the obligation of the Government were in regard to the fund itself. Whatever disposition might finally be made of it—whether an institution such as was contemplated should be established; whether the fund should be returned to the British chancery, or whether it should be distributed among the heirs of Smithson—no difficulty ought to arise as to the fact of the fund itself having been loaned out by the Government; and that, for all honorable, practical, and proper purposes, it must be regarded in good faith as in the Treasury of the United States, to be devoted to whatever purpose might be thought proper. For his own part, he had no apprehension or fear but what each of the States

would in good time and in good faith redeem their obligations and refund every dollar that had been loaned to them.

He now approached the main question. Much had been said in praise of the munificent and splendid liberality of James Smithson. It had been said that, animated by a spirit of benevolence to his race, he had made his will, constituted the Government of the United States his trustee to carry out his intentions, and had dedicated to the noble purpose of the increase and diffusion of knowledge among men an entire estate, under the management of the Government of the United States. It was not his (Mr. Sims) disposition, nor was it his wont, nor would it become him to speak in terms of reproach of one who now slept under the sod. But he must be permitted to say that none of these feelings of pride and admiration which seemed to glow in the bosoms of some gentlemen in contemplating the will of Mr. Smithson found an echo in his (Mr. Sims) heart. He saw in the will of that individual what he had seen in the wills of many other men. After having griped, through their lives, every shilling that came into their hands, animated at last by some posthumous vanity, they sought to build up a name which should live after them; and such, rather than any feeling for humanity, so much lauded, was the motive that guided them. In the present case he saw abundant evidence of this disposition in the appointment of the Government of the United States as a trustee to carry out this splendid vanity.

Mr. SIMS then proceeded to contend that the Government was not instituted for any such purposes as the administration of charities. There was no grant of power in the Constitution admitting such an exercise. And as there was no such power, and as this fund was still under our control, and as the trust had not been executed, it became Congress to pause, and to retrace, so far as possible, the errors it had already committed. There was but one power in the Constitution under which this charity could be administered, and that was as a local legislature for the District of Columbia. But that would not fall within the intention and design of the testator. It was not intended that this fund should be applied to the exclusive purpose of the use of the District of Columbia. The only true course would be to reject all these plans, including the substitute which had been offered by the gentleman from Massachusetts [Mr. Adams]; and if this were done, he (Mr. Sims) pledged himself that, should no other member do so, he would introduce a bill repealing all laws heretofore enacted on this subject, and giving authority and direction for the restoration of the money to the British chancery. It could then be devoted to purposes in England similar to those which had been contemplated in the city of Washington. The only difference would be in the location of the institution.

Mr. J. Q. ADAMS said, in this matter he was in favor of carrying

out the principle of the ancient proverb, "Catch the bear before you sell his skin." But a very small portion of these funds was now in the Treasury; and the bill proposed to take from the Treasury the money of the people of the United States, raised by taxation, to the amount of \$700,000 or \$800,000, to be expended in lieu of the fund of the late Mr. Smithson, which was not in our power at present. The gentleman from South Carolina [Mr. Sims] said that this money was to be considered as if it was in the Treasury of the United States. Mr. Adams would be very glad if he could so consider it.

Mr. SIMS said, in the report which the gentleman from Massachusetts made to this House a few years ago he took the identical ground that this money ought to be considered in the Treasury, and that Arkansas, and the other States in whose bonds this was invested, were debtors of the General Government.

Mr. ADAMS replied, that if any report made by him three or four years ago stated that this money was to be considered in the Treasury of the United States he would inform the gentleman and the committee that he had had some experience since that time that convinced him very perfectly that it was not in the Treasury of the United States.

It was the office of the amendment which he proposed to try to get it back into the Treasury, to enable the Congress of the United States to redeem the pledge which they gave, by the acceptance of this fund, to this nation, to the memory of the testator, and the civilized world, that it should be faithfully applied according to the intentions of the donor. The money was not in the Treasury, and could not without a violation of all reason be considered in it.

The question whether the Treasury of the United States, or the people of the United States, were responsible for this money and for its application according to the intent of the testator, Mr. Adams was understood to say, was another question. If it were necessary now, in order to redeem the plighted faith of the nation, he was ready to vote an appropriation of that amount, or of ten times that amount, to be raised by a tax upon the people. But he did not think the contingency had arisen, and especially that it had not arisen for the application of the money to any of the purposes proposed in this bill.

He had heard with great delight the learned and ingenious remarks of the gentleman from Vermont [Mr. Marsh] a few days since, and especially that portion which advocated the application of that fund ultimately to the only purpose of erecting a great and magnificent library, instead of the paltry application of \$5,000 a year out of the more than \$30,000 which this sum ought to give us. There was no other object to which it could be more worthily applied to promote the object of the testator.

To the main object proposed by the bill—viz, the application of

a large portion of the fund to the education of teachers of normal schools—Mr. Adams expressed his decided opposition. He would rather have the whole money thrown into the Potomac than to appropriate one dollar for that purpose.

Mr. Adams alluded to some facts in the history of this fund, showing his own connection with it, the circumstances under which it was received, the investment, three days after it was received, of \$500,000 in Arkansas bonds, and the remainder in bonds of Michigan, Illinois, and Ohio; the payment by Ohio of her interest, and the failure on the part of Arkansas to pay a cent of her interest, etc.

Mr. A. G. THURMAN (Mr. Adams yielding) inquired for information of Mr. Adams whether this investment in the bonds of Arkansas was made without any warrant or authority of law?

Mr. ADAMS. The fact is directly the reverse. Mr. Adams stated the circumstances under which the legalized investment was made. On a bill for the support of the West Point Academy a provision was ingrafted (he said) that this fund should be invested in State stocks. He commented upon the incongruity of the two subjects in terms which excited the merriment of the committee.

He next reviewed the legislative history of this subject during the four Congresses which have elapsed since the receipt of the fund eight years since, giving a minute account of the various propositions made in reports to both Houses of Congress, and their respective fates—none of them having received the sanction of both Houses. When it first came before Congress, and he believed this money was in the Treasury of the United States, he was of opinion among the sciences the pursuit of which was recommended by the testator that of astronomy was the first to which a portion of the interest should be applied.

In the administration of this fund there were two or three principles that should be pursued. One was that it should never cost the people of the United States a dollar—that it should support itself. Another, that no part should ever be applied to the ordinary purposes of education of children. He felt on that subject something the feeling of the gentleman from Michigan [Mr. Chipman], that it was unworthy the people of the United States to receive foreign aid for the education of their children. It was their own duty to do it for themselves, and not to depend on any eleemosynary bequest for it. There was no way in which the States could more degrade themselves than by relying on foreign aid or on the General Government for the education of their children. He differed with him on other points, however, and thought it highly proper that it should be received to carry out the intent of the testator, for the “increase and diffusion of knowledge among men.”

Mr. SIMS inquired of the gentleman from Massachusetts the power under the Constitution by which Congress was authorized to accept and administer this fund?

Mr. ADAMS. If the gentleman will point me to the power in the Constitution of the United States to annex Texas, I will answer his question.

Mr. SIMS. If the gentleman finds the power under the same clause, it is certainly a novel clause under which to claim it—that which, in express terms, permits new States to be admitted into the Union.

Mr. ADAMS. I presume the gentleman considers that a constructive power; and if so, it will answer for what it is worth. He (Mr. Adams) could find in the Constitution many clauses besides that authorizing Congress to provide for the common defense and general welfare. What means more efficient to this end than the increase and diffusion of knowledge among men?

Mr. Adams further opposed the application proposed by the bill under consideration to the ordinary purposes of education, on the ground of inequality of the benefits it would confer—the State of Massachusetts (a fact of which he was proud), the State of New York (the “Empire State”), and Virginia, another empire State (to whose citizens our present minister to Brazil, before he left the country, addressed a letter calling on them to tax themselves for the education of their children—for which he should honor him, if he had never done anything else in his life), and other States, having themselves made provision for the education of their children, so that they would not thank Congress for making this application of this fund. The State of Indiana, from which the gentleman [Mr. Owen] came who reported this bill, had property enough to take care of her own children without wasting this fund for such a purpose.

He would say nothing further of other provisions of the bill. Some of them were proper, others were not. But an experience of eight or ten years, since we received this money, had shown him that whenever distinguished scientific men were called upon for their opinions, scarcely two agreed.

In addition to the application of a portion of this fund to the science of astronomy, there was another provision which he found and which he was happy to see this bill made, viz, that no portion of the fund should be appropriated—that it should be a perpetual fund. It was the interest which was to be applied.

But in the meantime, while this delay had taken place, he was delighted that an astronomical observatory—not perhaps so great as it should have been—had been smuggled into the number of the institutions of the country under the mask of a small depot for charts, etc. There was not one word about it in the law. He would like to ask the gentleman from South Carolina [Mr. Sims], where was the power under the Constitution to make this appropriation?

Mr. SIMS said he did not know; but since the doctrine promulgated by a distinguished President of the United States of erecting light-

houses in the skies had grown into popular favor, he should presume that the gentleman would find no difficulty as to the question of power.

Mr. ADAMS said he was very glad to hear that it had grown into popular favor. The appropriation for this astronomical observatory, he repeated, had been clandestinely smuggled into the law, under the head of a depot for charts, when a short time before a provision had been inserted in a bill passed, that no appropriation should be applied to an astronomical observatory. He claimed no merit for the erection of the astronomical observatory; but in the course of his whole life, no conferring of honor, of interest, of office, had given him more delight than the belief that he had contributed, in some small degree, to produce these astronomical observatories, both here and elsewhere. He no longer wished any portion of this fund applied to an astronomical observatory.

Nor did he think it important to the people that any provision of this bill should be carried into effect immediately, but rather that measures should be taken to induce the States to pay the interest on their bonds, and then let the money be appropriated to any purpose on which Congress could agree more unanimously than on this bill.

He noticed among the objections made, that against making of this Institution an incorporation. He urged that it was indispensably necessary to form the board into an incorporation; that unless it were done, the funds would be wasted in five years; that there would be no power in the Institution, not even the power of succession; that it would fall into the hands of a joint committee of Congress, who would dispose of it as faction, party spirit, or caprice should dictate. He scouted the idea of the unconstitutionality of the establishment, by Congress, of the corporations in the District of Columbia, as in contravention of the uniform legislation of the country, in the incorporation of colleges, benevolent societies, the National Institute, etc.

In conclusion, believing that they could not agree very well on this bill, and that, by the time we got this money of Arkansas and the other States, they could agree better, he sent up to the clerk's table, where it was again read, the amendment of which he gave notice last week.

On the faith (he said) of observations of the gentleman from Michigan, that Michigan had regularly paid the interest on her bonds, he modified his amendment, by striking out the word "Michigan," wherever it occurred therein.

[While Mr. Adams was speaking, the Speaker resumed the chair informally, to receive a message from the President of the United States, by the hands of J. K. Walker, esq., his private secretary, informing the House that the President had yesterday approved and signed the joint resolution of notice to Great Britain, to annul and abrogate the convention of 1827 respecting the Oregon Territory.

Mr. ADAMS remarked: A propitious interruption of the few remarks—worthless, in comparison—which I was addressing to the committee!]

When Mr. Adams had concluded—

Mr. JOHN W. TIBBATS rose to propose an amendment, which, not being at the moment in order, was not presented.

Mr. ANDREW JOHNSON expressed himself favorable to the adoption of the substitute amendment of Mr. Adams; but proposed, if that substitute should be voted down, to amend the first section as follows:

Strike out all after the word “next,” in the eleventh line, to the word “be,” in the fourteenth line, and insert the following:

And actually paid into the Treasury of the United States by the States which have borrowed and used said fund.

Mr. Johnson was satisfied [he said] that a large majority of the House was opposed to taking this sum out of the Treasury, for the purpose of establishing such an Institution as was contemplated by this bill. It was true that the money had been received by the Government of the United States; but if the Government had been acting in good faith, and had vested these funds in bonds of the States, and these States had repudiated or refused to pay, was there a man here, who at this time would be willing to take this amount out of the pockets of his constituents for the erection of an Institution of this kind? Was this Government bound to levy a tax upon the people for such a purpose? If it had been acting fairly as a trustee, if it had acted in good faith, and if this fund had been lost and destroyed, and not intentionally perverted or misapplied, it was no more responsible than any other trustee under such circumstances would be.

Some conversation took place between Mr. Johnson and Mr. Sims of South Carolina as to the legal liability of trustees in certain cases.

Mr. Johnson insisted that there was neither authority for, nor justice in, taking this sum of money from the pockets of the people for the establishment of this Institution, and he contended that no substantial good could result to the mass of the people, and that an annual appropriation would be necessary from the Treasury of the United States to keep it in operation.

Mr. GEORGE RATHBUN said he knew very little about this subject. He had taken very little pains to examine the bill before the committee. He had read no reports from previous committees. He had heard what had been said in relation to the project generally. And there were a few things connected with facts known to everybody which would control his vote.

We had received a fund of half a million of dollars and upward, and had pledged the faith of the Government to execute the trust in the manner directed by the will of the testator—a solemn pledge in which every department of the Government had united. The fund was

received for a particular and specified purpose—a purpose noble in its object and desirable to all men who had any regard for the welfare of the human family. We had received this money, he repeated, to be applied to a specific purpose. Had it been so applied? We were told that we were not in possession of the money; that it had been loaned out improperly and improvidently to States that refused to pay. Were we authorized to loan it to States, whether they would pay or not? Was it given to us to be loaned out to anyone? Was it not expressly designed by the person who gave it to the Government that it should be applied to a particular purpose, and none other? And was it not received on the condition that it should be so applied?

After yielding for an inquiry to Mr. A. Johnson, Mr. RATHBUN proceeded. This Government had misapplied a fund given for a specific purpose; and when it was called upon, through a respectable committee, to appropriate the money to the object for which it was received, it was no answer to say, “We have loaned it out to the States, and they can not pay us.” It would not answer for an individual to say so—still less for a nation like ours. We were bound to-day, and we had been bound every day when Congress was in session for eight years past, to appropriate the money honestly, without undertaking to avoid the just responsibility by an excuse which was one of our own creation. Arkansas, it is said, would not pay, and some other States refused to pay the interest. That was a matter between this Government and the State of Arkansas, and was no answer to the solemn pledge given to apply this money to a specific purpose.

The question arose, How should the money be appropriated? What was the mode best calculated to produce the most beneficial results? One gentleman wanted a library; another, an observatory; a third, common schools; a fourth, farming schools; a fifth, some other particular object; and among the number was that proposed by the bill under consideration. For his own part, he did not feel disposed to object to any plan bearing plausibility on its face. He was in favor of expending the money in some way, and upon some scheme, faithfully and honestly; but above all he was in favor of appropriating and expending the money whether the final result should be good or not. He wished to wipe out the stain which rested on the character of this Government of withholding the money because we were not able to discover the best mode of expending it. Let us take one step, let us do something; and if any blunder should be committed, experience would enable us to correct it. In his judgment a library was the least plausible of the schemes proposed. The plan proposed in the bill was, in his opinion, one of the best that had been suggested.

The gentleman from Tennessee [Mr. A. Johnson] had asked whether any gentleman here would take the money from the pockets of the people for this purpose. He (Mr. Rathbun), for one, answered, “Yes.”

Let us take this money which the Government had taken and, if gentlemen pleased, had squandered; let us honestly appropriate it and expend it as was designed.

He represented a constituency who would be among the last in the world to withhold a fair and honest expenditure of the public money because the Government representing the people had misapplied it. He had no fear of a constituency worthy to be represented here for doing what was honest on behalf of the Government and reputable on behalf of themselves. We had had the gold, as we had been informed. It had been placed in the public Treasury. It had not been wasted by accident. It had been applied under the deliberate action of the Government. The Government held the bonds. It might at some future day receive the money for them, but he did not believe in the propriety of waiting until by "moral suasion," or any other kind of persuasion, the money was to be recovered from that improvident loan. He was ready to vote for the bill, in which, so far as he understood it, he could discover no objectionable features. It had been digested and arranged by a committee as competent in point of learning, judgment, and capacity as could be found in this or any other country. Some confidence must be placed in their recommendations, otherwise no action ever could be had on the subject. If the plan had defects, time would develop them, and the proper remedy could be applied.

Mr. O. B. FICKLIN opposed the bill. He thought, however, that the good faith of the Government required that this money should be considered as being in the Treasury, and that we could not excuse ourselves by saying that the fund had been loaned out to the States and could not now be realized.

The objections which he entertained to the bill applied to all its sections; but to the first his objection was radical. He alluded to the connection to be established between this Institution and the Treasury of the United States. A million of dollars would be required to meet the deficiency in this Smithsonian bequest.

He was willing to expend the money for a library, or in carrying out the propositions of a substitute bill which he had prepared—in building a house and providing a library, and for scientific apparatus. He was in favor of any system or plan by which the fund could be disconnected from the Treasury of the United States.

Mr. OWEN desired to inquire whether the gentleman proposed to appropriate the principal or the interest only.

Mr. FICKLIN said he was willing that the gentleman and others who were the peculiar friends of the bill should take their own course in that respect. He (Mr. Ficklin) was willing to apply the whole of the principal or a part of it to keep up whatever institution might be adopted; or he was willing that the sum of \$500,000 should be loaned to some natural or artificial person, and that the interest alone should

be applied. He was indifferent on that point. The great object he had in view was, he repeated, the disconnection of the fund from the public Treasury. He was for any bill in preference to this.

Mr. OWEN. Does the gentleman understand that one dollar except that belonging to the Smithsonian fund is appropriated by this bill, either presently or prospectively?

Mr. FICKLIN. The first section of the bill connects the fund with the Treasury—places it in the Treasury.

Mr. OWEN. Not places it there; it was placed there eight years ago.

Mr. FICKLIN. Exactly so; but this bill recognizes it there by law. Then the interest is to be paid upon the money out of the Treasury. This is sucking the lifeblood from the Treasury. We do not want to create a perpetual debt of interest upon half a million of money to be paid whilst this Government endures. We want no such polypus, no such wen, fastened upon the Government. As to present or prospective appropriations, I say that the machinery, the paraphernalia, connected with this bill can not be carried out on a respectable scale for less (Mr. Ficklin was understood to say) than \$1,000,000 a year. It is, to be sure, provided that the money shall not come out of the Treasury at present; but do we not know that subsequent Congresses can enlarge the appropriations? Experience should teach us to guard against everything of this kind.

He regarded the bill as one of the most odious and abominable ever presented here. He would rather see this half million returned to the British court of chancery; he would rather see ten millions sunk to the bottom of the Potomac, or melted, or destroyed, than see this bill pass.

Mr. ALLEN G. THURMAN said that he had heard it stated this morning that the investment of the Smithsonian fund in State bonds was an act unauthorized by law. Not having time to investigate the laws himself, he had privately inquired of a number of members whether such was the fact, but they were unable to inform him. He had thereupon made the inquiry of the gentleman from Massachusetts [Mr. Adams], whose acquaintance with the subject was so thorough. The inquiry was important, for if the investment was an unauthorized act it would not do for this Government to shield itself behind the misconduct of its officers and say that the money is not in the Treasury. But if, on the other hand, the Government had in good faith invested the fund so that it might produce interest until an application of it should be made pursuant to the design of the testators, then the objection of the gentleman from Massachusetts that the money is not in the Treasury is entitled to great weight. For as a general rule it is the duty of a trustee to make the trust fund produce interest; and the Government of the United States probably did right in directing this fund to be invested and ought not, as a matter of course, to be held bound to

reimburse it at any moment on a failure to pay by those to whom it had been loaned. Whether the investments made were judicious or otherwise, Mr. Thurman did not know. He had not inquired, for it was not his purpose to cast censure anywhere.

As to the merits of the bill under consideration, he would do nothing more than express an opinion without going into any argument whatever. He could not vote for the bill unless it were most materially changed. He was opposed to the erection of an immense institution at the city of Washington that would ultimately become a charge upon the Treasury and would necessarily be partial in its operations and benefits. He was rather inclined to believe that the best disposition of the fund that could be made would be to invest the interest arising from it in a library. There were great objections to this plan, to be sure. They had been forcibly stated by the chairman of the select committee [Mr. Owen]. But there was one great recommendation it possessed that strongly influenced him. That was that though it might not effect the greatest amount of benefit that could be produced by the fund, it was not liable to the abuses to which all the other plans would probably give rise. It would create no large body of office holders, no patronage, no favoritism, no partial, sectional advantages.

Mr. OWEN wished to say a few words in reply to the gentleman from Massachusetts [Mr. Adams]. He was sorry that duty devolved upon him. He had for that gentleman, in more senses than one, a most wholesome respect. Not only did he respect his character most sincerely, his acquirements, his long experience, his information, so accurate on every subject, but in addition to all that he had for him, as opposed to him in argument, a most wholesome respect. If any one who ever debated with him came off the better in the contest it was while he [Mr. Owen] was out of the House. And it was nothing but a sense of duty which induced him to reply to the gentleman.

The gentleman from Massachusetts had labored more zealously in this good cause than, perhaps, any other individual. He read from a report of Mr. Adams, of March, 1840, in regard to the application of these moneys, in which, among other things, it was declared:

It will be perceived that the United States have made themselves creditors to the States, and made themselves responsible for the punctual payment of the interest of these bonds, etc.

That (said Mr. Owen) was the opinion of the gentleman from Massachusetts in 1840. It was Mr. Owen's opinion to-day. He believed it is the United States that are the creditors of the State of Arkansas and the other States, and that their faith is plighted for the due administration of this fund. And this included the question of time. Delay was equivalent to denial. To say you will administer a fund fifty years hence is to say you will not administer it at all.

But not only in 1840, but a much later date, when everybody knew that Arkansas had failed for three years to pay her interest, did the gentleman from Massachusetts bring in a bill—in June, 1844—(from which Mr. Owen read) which went further than the bill now before the committee, absolutely declaring that \$800,000 was now in the Treasury of the United States, the interest of which, being about \$33,000, more than this bill applied, was to be appropriated.

He alluded to the objection of Mr. Ficklin, that we should doubtless appropriate hundreds of thousands more than this sum if we now began; and said in the unwillingness of members to appropriate even the interest there was no very great reason to imagine that they would be so ready to appropriate a larger sum, not included in this amount at all, over which the Institution has no right and with which no connection.

He was no lawyer and would not argue the case technically, but he would say, if there be any means of lowering our national character over the whole civilized world (and with so small a gain to the Government) more effectually than this, he did not know what it was. He held in regard to public and private morals there is no difference. The interest that had accrued on this sum was about \$242,000 (about one-half of which had been paid), or about one-hundredth part of the annual expenditures and receipts of the Government; and in addition to this we had \$10,000 or \$12,000 surplus in the Treasury. And still we claimed that we were relieved of the obligation for this money because we had invested it in stocks, the interest of which was not paid. It was like a man with an annual income of \$2,000, and in addition having (say) \$1,000 deposited in bank, who had loaned to a wayward or unfortunate son \$20 (one hundredth part of his income), which he had received in trust for a friend; and who, one-half of it having been paid when called upon for the return of that trust, should refuse it on the ground that one-half of the sum had not been paid by his son, to whom as trustee of the fund he had loaned it. No one would hesitate to say that as a matter of common justice and honesty he should pay this small amount even if the son never paid it to him. And what we ought to do as individuals we ought also to do as public men.

He would not follow the gentleman from Massachusetts through the whole course of his remarks. He believed the gentleman admitted that the Government was ultimately responsible for the application of this fund according to the intention of the testator. If it did happen (which was not probable, for he did not doubt her) that Arkansas did not at some future period pay the interest, we should be called upon to pay it from the Treasury, according to the gentleman from Massachusetts. Now, he wanted to know what was the difference between taxing our constituents (as the phrase was) then and now? So far as the burden was concerned, it was nothing; so far as reputation was

concerned, it was everything. The first duty of a trustee was to carry into effect the object of the trust, and if the duty was neglected were we not bound to provide at least against the loss of the fund?

In reference to the advocacy by Mr. Adams of the application of the fund to a library, and to some remarks of Mr. Adams [as the reporter understood] that it was more in accordance with his fancy, Mr. Owen urged that fancy should have nothing to do with the question; that we were bound to appropriate this fund strictly according to the intentions of the testator, whose intentions the appropriation of the principal portion of which to a library, he argued, could not meet, inasmuch as, though a library might tend to the "diffusion," it would not to the "increase" "of knowledge among men;" and as, if a library had been intended by Mr. Smithson, he would undoubtedly have expressed it.

He was not specially wedded to this feature of normal schools, yet he confessed he considered it the most important one in the bill. And the gentleman from Massachusetts wholly misunderstood him if he supposed that his (Mr. Owen's) proposition was to supersede the State normal schools. It was rather a supplement to them—an institution which would carry them farther, where the science of education should be improved. And for this they had high authority. He referred to Mr. Van Buren's language on the subject, from which, though not express to this point, he considered the inference fair that he would be in favor of such a feature.

As to the disgrace of educating our children with foreign aid, there was no proposition in this bill to educate children, but the teachers of children. And as to the disgrace, it might be said with equal propriety that it was disgraceful to receive foreign aid for the founding of a library.

One special portion of the duties of this normal branch would be to call the attention of the States generally to these normal schools, and it might, and he hoped would, in this way become the means of increasing these schools.

In conclusion, he said the practical effect of the amendment of Mr. Adams would be to postpone the matter indefinitely. His (Mr. Owen's) opinion coincided much more nearly with the opinion heretofore expressed (from a source he respected so highly) on at least four different occasions; and he hoped that Congress would no longer delay to appropriate this fund, as in honor and justice they were bound, so as to carry out as near as might be the intentions of James Smithson.

Mr. E. H. EWING dissented from that part of the amendment of Mr. Adams, which went to make a legislative promise that nothing should be done until the arrears of interest were collected from the States in whose bonds the funds had been invested, and gave notice of a motion to strike it out.

He was not able to say that this Government had performed in a

proper manner the duties of trustee, and with proper precaution invested these funds. Clearly, if this investment had thus been made and the duties of trustee faithfully performed the Government could not be held to assume the debt and carry out the intentions of the testator.

He could not agree with Mr. Sims that this fund could ever be replaced in the chancery of England. This Government was now a trustee in regard to this fund. By its acceptance of it it had obligated itself to make a disposal of it according to the intentions of the testator and was incapable of divesting itself of it.

If it had been properly invested, as a trustee should invest it, the Government was not bound for the sake of keeping up its name to make an appropriation of the money of the people of the United States for the support of this charity or any other. The question was, whether this investment had been made in good faith—whether at the time there was a reasonable probability that it would be returned or the interest on it paid regularly.

That question he was not able now to determine, and he presumed this was the case with other members of the House. Hence, in the absence from the Treasury of this fund, he was willing to postpone action on the subject for the present.

Mr. J. Q. ADAMS had, he said, a few words to say. In regard to the purposes of this bequest and the obligation and duty of the United States to carry them into effect, he agreed with the honorable chairman of the committee who reported the bill. Both had the same object in view. In regard to the mode of reaching the object he did not agree with the gentleman. He regretted this difference of opinion, but in all the public discussions of this question hardly any two persons had been found to agree. If he differed from the honorable chairman, the honorable chairman had also differed from all who had preceded him in the investigation of this subject. This bill was entirely different from any that had been reported heretofore. The chairman had done him the honor to refer to his (Mr. Adams's) former views on this subject, but did not propose to carry them out. It was important to the argument to consider how the fund was expended. He admitted that at the time when the fund was invested in Arkansas stocks those stocks were at par, as were all the State stocks. The banks afterwards suspended, and not only the Arkansas stocks but all the State stocks depreciated. The interest on these bonds was not paid, and it was the same case with the bonds of other States. He entertained and cherished the hope that, by means of what he called moral suasion—by considerations of justice between State and State, and man and man—the people of Arkansas, having this subject presented to them year after year by the President of the United States, would, for the sake of their own honor and interests, pay the debt. He had that

faith. [Mr. Adams went on to explain the provisions of his substitute for the bill.] He proposed that no appropriation for the purposes of this institution should be made a tax on the people of the United States. Should this be agreed to and become a part of the act, he believed that it would be more effectual in persuading the people of Arkansas to pay this money than would be the thunder of the line-of-battle ships with which we have been lately threatened in the British Parliament. No application of force was proposed by him. He would speak to them only as friends to friends. He would say to them, we would not tax our own people to pay the sum for which you are indebted—which you ought to pay—and which you can pay almost without feeling it.

Mr. ARCH. YELL said, with the leave of the honorable gentleman, he would make some explanations. The remarks of the gentleman left it to be understood that the interest of the Arkansas bonds had not been paid, and that the State was not disposed to pay its debts. He wished to let the House know the state of this matter. Half a million of State bonds were (in 1838) sold, and the proceeds invested in the Real Estate Bank of Arkansas. The bonds invested were to be paid in twenty-five years. To secure them was pledged the bank capital of a million and a half, and real estate which had been valued at three millions. In addition to this the State took the bills receivable and the assets of the bank. The State at length saw its error, and the whole country had opened its eyes to the evils of such a system. The State acted as honestly as the nature of the case would admit. It wound up the bank and determined to pay, first, the outstanding notes, and, second, the special deposits. All these had been paid. At the expiration of the time for which the bonds were given he had no doubt that they would be paid; and if the assets of the bank were insufficient the State would pay them.

Mr. YELL also showed, from an official document, that about \$90,000 had been paid toward the interest on these Arkansas bonds. He went on to show that the State of Arkansas had been greatly misused by the General Government. The distribution act passed in 1841. He, as the executive of Arkansas, recommended to the legislature not to accept the share of that State. That body, though one-third of them were good Whigs, unanimously refused to accept it. But the Secretary of the Treasury credited the sum not to Arkansas, but to the bank. The bank received it, and there it remained. When Arkansas came into the Union, 5 per cent of the proceeds of lands sold in her limits were given to the State. Till 1842 the sum was promptly paid. After that time the Government retained the amount. He argued that they had no more right to take it than they had to take the lands set apart for the support of schools. When the Government was disposed to do justice to Arkansas, the people of that State would be better

enabled to meet their obligations. The assets of the bank were equal to the payment of all the debts.

He would not, however, pledge his State to pay for the default of the bank. When the bonds had become due, and the bank was found unable to pay them, then the State might be called upon.

Mr. ADAMS said the United States had nothing to do with the bank. The State of Arkansas gave bonds for the money, and they were in the Treasury now. The money was paid to an agent, and the United States had nothing to do with the investment of the money.

Mr. YELL said the State of Arkansas made a bank. They issued bonds and invested them in the Real Estate Bank.

Mr. ADAMS. Sir, I had heard before that the State of Arkansas never received any benefit from this money. But it was paid to their authorized agents. It was received in the name of the State and not of the bank. As to the argument that the money was invested in the bank, and the bank was broken, he would leave that to such operation as it might have upon this committee, and let it go for what it was worth. He would say nothing to the disparagement of the State of Arkansas or of the Government of the United States on account of this contract. But if the \$500,000 in British sovereigns was sent by an agent to the sovereign State of Arkansas, it was a matter of no concern to the Government of the United States whether the money was filched on the way.

Mr. YELL here asked if the gentleman intimated that the money was misapplied by any agent or agents of the State of Arkansas.

Mr. ADAMS had not said a word (he said) intimating any such thing. He had stated the fact. He repeated that the United States had nothing to do with the concerns of the bank, which the gentleman had said was broken, and upon which fact the gentleman had argued that the State was not bound to pay the money.

Mr. ADAMS was very sorry (he said) that this question had been brought on. He had made no reflection on the State of Arkansas, or on the bank, or on the agent. He still expressed the hope that the State of Arkansas, after an appeal to her sense of justice and honor, would pay the principal and interest of the debt as it became due.

As to the State of Michigan, that portion of the substitute which applied to it he should strike out. The State had made a provision for the payment of the money due by her.

Mr. ANDREW JOHNSON wished to ask one or two questions on this subject of the honorable chairman who reported the bill.

Was the money appropriated by the bill actually in the Treasury?

Mr. OWEN said it would take a lawyer to answer such a question. Half of the interest had been paid and half not.

Mr. A. JOHNSON. Then I understand that more than \$200,000 for the buildings, etc., are to be paid, not out of the funds of the Institu-

tion, but out of the Treasury. He wished this to be understood by the people.

Mr. OWEN said the gentleman might so consider it, but he did not wish him to construe what he had said into an admission that he [Mr. Johnson] was correct.

Mr. A. JOHNSON said he would now propose a question to the learned chairman of the Committee on the Judiciary. The first section of the bill proposed to lend money to the Treasury. Suppose we had loaned the fund to the United States Bank when it was in existence, and the bank had failed, would the Government be bound to make good the fund?

Mr. GEORGE RATHBUN had no objection to answer, as he said; and as a lawyer he would say that a trustee investing money in execution of a trust, and in good faith, would not be bound to return it if it should be lost. But a Government professing to be the first in the world ought not, in his opinion, to avail itself of a legal and technical excuse, but should proceed to see the trust faithfully executed.

Mr. A. JOHNSON contended that the same moral reasons applied in both cases. The bill itself, he proceeded to show, did not hold the Government to be responsible if it acted in good faith, for it provided that all the investments on account of the fund be pledged to refund the money to the Treasury. This proved that the bill did not appropriate money in the Treasury, and it was not bound for the money.

There was something a little farcical and amusing in this system of normal instruction which was to provide the country with school-teachers. He would like to see a young man educated at the Smithsonian Institution and brought up in all the extravagance, folly, aristocracy, and corruption of Washington go out into the country to teach the little boys and girls to read and write! Those young men so educated would steal or play the little pettifogger sooner than become teachers. Ninety-nine out of a hundred of those who received the benefit of this Institution would hang about a law office—get a license—become a pack of drones instead of schoolmasters. Washington City was not a place for such an institution. He believed that it would result in an injury to the country instead of a benefit.

Mr. OWEN asked if the gentleman was aware that the will of Mr. Smithson designated Washington City as the place for the establishment of the Institution.

Mr. A. JOHNSON objected, he said, to the entire scheme.

Mr. JEFFERSON DAVIS asked whether the gentleman would send the money back to the court of chancery.

Mr. A. JOHNSON replied that he objected to the whole principle of the measure, and that he would send the money back to the source from whence it came.

Mr. DAVIS followed with some remarks in support of the measure.

The Government was bound, after solemnly accepting the trust, to execute it faithfully.

Mr. JOHN BELL spoke on the same side of the question. It was eight years since the United States (he said) had accepted this trust, which was one of a delicate and important character. The question was in what manner the trust should be discharged. He held that the United States was responsible for the fund and ought to appropriate it for its object. He hoped that Arkansas would one day pay the money, but he feared it would be a distant day. It was necessary to act now. He did not wholly approve of the bill reported, but he would take it rather than do nothing.

Mr. W. J. HOUGH sent to the Chair a substitute for the bill, which he gave notice he would offer, and it was read.

The committee then rose and reported progress.

On motion of Mr. GEORGE W. HOPKINS (and under the operation of the previous question), a resolution was adopted providing that all debate on this bill (in committee) should cease in one hour after it should again have been taken up.

*April 29, 1846—House.*

On motion of Mr. JAMES J. MCKAY, the House resolved itself into Committee of the Whole (Mr. A. BURT, of South Carolina, in the chair), and resumed the consideration of the bill to provide for the establishment of a Smithsonian Institution for the increase and diffusion of knowledge among men.

The amendment given notice by Mr. ANDREW JOHNSON on the previous evening was read at the request of several members.

Some conversation ensued between Mr. Owen and others.

Mr. HANNIBAL HAMLIN briefly addressed the committee. He regarded this fund as one which had been received by the Government to carry out the intentions of Mr. Smithson, to which, by their acceptance, they had solemnly bound themselves.

He alluded to the difficulty—nay, the impossibility—of any select committee agreeing upon a plan which in all its details should be in accordance with the views of all. Notwithstanding this, he trusted we should not let this opportunity go by to make a commencement in this matter. He had not the slightest doubt of the full and unqualified power of this Government to take charge of this money and give it the direction required by the will of Mr. Smithson.

While there were features in the bill with which he was not entirely pleased, he should vote for the bill in case it was not amended. But there were some amendments to the bill of the gentleman from Indiana [Mr. Owen] to which he would fain hope that gentleman himself would lend a favorable ear. One related to the appropriation of a part of it to the science of agriculture. He referred to the general and deplorable want of information of the components of the soil, the proper

mode of treating it, the proper adaptation of crops to different soils, etc., and said he wished to see connected with this institution a department of agricultural chemistry and a professor of agriculture proper.

Mr. R. D. OWEN (Mr. Hamlin yielding) explained that there was an express provision of the bill to appoint professors of agriculture, and there was also another by which such professors of more useful arts and sciences were to be appointed, which would undoubtedly include a professor of chemistry, part of whose duties it would be to lecture on the application of chemistry to agriculture.

Mr. HAMLIN was aware of this; but it should be more specifically provided for.

He noticed one or two features of the bill, and suggested one or two modifications he would like to see made; but, if it could not be amended, he urged its passage without further delay as a matter of good faith, common honesty, and one promising important benefits to the people and the nation. He considered the money in the Treasury, and the United States responsible for the investment of the fund according to the intentions of the testator.

Mr. BRAD. R. WOOD desired to say a very few words upon the bill. Much had been said about national honor during this session on this floor, but if there ever was a point in which the national honor was concerned it was in carrying out the intentions of the testator in his bequest. For my own part, I consider it an honor to my country that the subject of a monarchical government should have selected this as the instrument of his expansive benevolence. The bill, however, before us was, in his opinion, defective in some of its provisions. I refer particularly to that section which contemplates a normal school. When this subject was first mooted this part of the bill struck him favorably, but upon more mature reflection he had come to the conclusion that this clause was objectionable. Normal instruction could only be done, and well done, in the respective States, among several of which it had already been commenced, and besides, sir, I should deprecate that kind of education that should flow down from this place among the people. He responded with all his heart to the remarks made by the honorable gentleman from Maine [Mr. Hamlin], in relation to agricultural instruction. He would do all he could to increase and diffuse useful knowledge among the masses, but this could not and would not be attained by such education as would be obtained here, or by collecting at this point a splendid library. The latter might, and unquestionably would, benefit those already learned, but not the people. With the view of attaining that object, he should offer an amendment, which he would ask the clerk to read. [The clerk here read the amendment, which will be found, as offered, at a subsequent stage of the proceedings.] He had hastily glanced at a substitute offered by his colleague [Mr. Hough], just laid on his table, and

which he thought was less objectionable than the original bill. Yet, sir, I feel in common with others, what is due to the honorable gentleman from Indiana [Mr. Owen], the chairman of the committee, for his exertions in this matter, and know how difficult it is to frame a bill to meet the views of all; but difficult as it might be, it was no reason why a beginning should not be made to carry out the intentions of the testator.

Mr. A. D. SIMS offered a substitute for the bill; which was read.

Mr. WILLIAM F. GILES submitted an amendment providing for the publication and distribution of books for the instruction of the blind; which was read. He would say nothing in favor of the amendment just read, for it would be a libel on the House to suppose that any argument in favor of it would be required. He took it for granted that the committee would now act on this subject, and he could not believe that the proposition of the gentleman from Massachusetts [Mr. Adams] would receive the sanction of the committee. In the face of the world we had assumed this trust. We had taken the money under the will of this distinguished stranger, but we had delayed for a long time the execution of the trust. He hoped the faith of the United States would not be allowed to suffer any injury in the eyes of the world by longer delay of action on the subject. There were some portions of the bill of the gentleman from Indiana which he would like to see altered. While he had no constitutional scruples himself as to the incorporation of the institution, yet he would be willing, in courtesy to the opinion of others, to strike out that provision from the bill, for all its ends could be accomplished without it. He urged the committee not to delay action, because there was difficulty in each step before them. Congress had power to alter and amend the act and it was now necessary only to take the initiatory step. The form could be altered from time to time so as to carry out the intentions of the testator. The objections urged to a normal school were not well founded. It would send abroad a number of educated men; and was not education the richest boon that could be conferred on the country next to the preservation of liberty. Our institutions were dependent upon intelligence and reason; and no matter what profession the young men educated at this school should adopt they would add to the stock of knowledge and diffuse it among men.

Mr. W. W. WICK said that some opinions had been expressed in the course of the debate which he could not suffer to pass uncontradicted. He alluded to the opinions on the subject of the doctrine of trust. It was alleged that all which the Government was responsible for was the stocks in which the fund had been invested. This fund was intrusted to our charge, and it was important that the honor of the country should be sustained by its faithful execution. He totally dissented, as a lawyer, from the doctrines which had been advanced. A trustee in

ordinary cases was not bound, if he was authorized to use his discretion, as to the mode of investing the fund intrusted to him. But the Government of the United States had no such discretion in this case. There was no power given by the will of Smithson to invest the money in any special manner, and the Government invested it at its own hazard.

If, of his own accord, and without authority, a trustee made an investment, he was responsible for it. Thus the United States stood in relation to this matter, and to this extent they were responsible, if at all. If his wishes had been consulted, the burden of this trust would never have been accepted by the Government. But we did accept the trust, and the national faith would be tarnished should it not be executed. Had he been here at the time he would have voted against it. He knew that the Government had no constitutional power to establish a college of itself. The power was not granted in the Constitution; but it might be admitted that the Government had the power to accept a trust for the purpose. He had always advocated a strict construction of the Constitution, but he believed that the Government might accept the trust. We had accepted the trust, and it was our duty to execute it.

Mr. A. D. SIMS made some remarks on the constitutional question.

Mr. G. W. JONES asked whether, if the money should be given by will for the establishment of a national bank, the Government would be bound to execute the trust or have power to accept it?

Mr. WICK replied that he would vote against the acceptance of such a trust.

Mr. WASHINGTON HUNT entirely concurred with the gentleman from Indiana [Mr. Wick] in his view of this subject. It appeared to him that it was a reproach to the Government to delay carrying out the purposes of this trust.

The committee proceeded to vote.

The first question was on the following amendment of Mr. Andrew Johnson to the first section:

Strike out all after the word "next," in the eleventh line, to the word "be," in the fourteenth line, and insert the following: "And actually paid into the Treasury of the United States by the States which have borrowed and used said fund."

Mr. R. D. OWEN inquired of the mover of the amendment whether, if this amendment was carried, it would apply to any moneys that have been paid into the Treasury of the United States as interest and have been reinvested in State stocks?

No answer being returned,

Mr. OWEN said he hoped the amendment would not prevail.

The question being taken, the amendment was rejected without a division.

The second section being under consideration,

Mr. J. W. TIBBATTs moved the amendment of which notice had previously been given, to strike out the words providing that the board of managers "shall be, and hereby are, constituted a board politic and corporate, by the style and title of the 'Smithsonian Institution,' with perpetual succession, and the usual powers, duties, and liabilities incident to corporations."

The question was taken by tellers, and decided in the affirmative—ayes 70, noes 44.

So these words were stricken out.

Mr. OWEN moved to insert after the word "managers" (in lieu of the words stricken out) the words "and the said Institution shall be known by the style and title of the Smithsonian Institution."

The amendment was agreed to.

The fourth section being under consideration,

Mr. OWEN moved an amendment (which he stated to be necessary in consequence of the previous amendment striking out the clause constituting a corporation) to insert at the forty-fourth line the words:

And all questions which may arise between the United States and any person claiming under and by virtue of any such contract shall be heard and determined by said board of managers.

The question being taken, the amendment was agreed to.

Mr. OWEN also moved to insert at the tenth line the words:

And all prosecutions for trespass on said property, and all civil suits in behalf of said Institution, shall be prosecuted in the name of the United States in any court having competent jurisdiction of the same.

Agreed to—ayes 61, noes not counted.

The fifth section being under consideration, Mr. J. R. INGERSOLL moved an amendment to insert at the twenty-first line these words:

Which collection shall be denominated the National Museum. And it shall be lawful for the National Institute to deposit its collections in said museum [in consideration whereof said institute shall have the right to appoint a curator to said museum, with such compensation as the managers of the Smithsonian Institution shall assign], and the said National Institute shall have a right to hold its meetings in the buildings of the Smithsonian Institution, in any room which shall be assigned for such purpose by the managers of the Smithsonian Institution.

Mr. TIBBATTs moved an amendment to the amendment, to strike out the words in brackets.

The amendment to the amendment was rejected.

The question recurring on the original amendment of Mr. J. R. INGERSOLL, was decided in the affirmative—ayes 67, noes 50.

So the amendment was agreed to.

Mr. RICHARD BRODHEAD moved an amendment to the fifth section (which provides for suitable arrangements for the reception of all objects of art, and of foreign and curious research, of natural history,

of plants, etc., belonging to the United States, "which may be in the city of Washington"), to insert, after the word "Washington," the words "or elsewhere."

The amendment was rejected.

The seventh section being under consideration, Mr. HANNIBAL HAMLIN moved to insert, after the word "arts," in the provision for the appointment of professor of common-school instruction, with such others "chiefly of the more useful sciences and arts," the words "especially chemistry as applied to agriculture." Rejected.

Mr. J. Q. ADAMS moved to strike out the following:

SEC. 7. And whereas the most effectual mode of promoting the general diffusion of knowledge is by judiciously conducted common schools, to the establishment of which throughout the Union much aid will be afforded by improving and perfecting the common-school system of the country, and by elevating the standard of qualification for common-school teachers; and whereas knowledge may be essentially increased among men by instituting scientific researches, and, generally, by spreading among the people a taste for science and the arts:

*Be it further enacted,* That the board of managers shall establish a normal branch of the Institution, by appointing some suitable person as professor of common-school instruction, with such other professors, chiefly of the more useful sciences and arts, as may be necessary for such a thorough scientific and liberal course of instruction as may be adapted to qualify young persons as teachers of common schools, and to give to others a knowledge of an improved common-school system; and also, when desired, to qualify students as teachers or professors of the more important branches of natural science. And the board of managers may authorize the professors of the Institution to grant to such of its students as may desire it, after suitable examination, certificates of qualification as common-school teachers, and also as teachers or professors in the various branches of science; they may also employ able men to lecture upon useful subjects, and shall fix the compensation of such lecturers and professors.

The question was taken by tellers, and decided in the affirmative—ayes 72, noes 42.

So the words were stricken out.

[The section, as amended, read as follows:

*Be it further enacted,* That there shall not be established in connection with the institution, any school of law, or medicine, or divinity, nor any professorship of ancient languages. And the said managers shall make, from the interest of said fund, an appropriation, not exceeding an average of ten thousand dollars annually, for the gradual formation of a library, composed of valuable works pertaining to all departments of human knowledge.]

Section 8 being under consideration, Mr. OWEN moved an amendment to add at its close an amendment, which, after various modifications, assumed the following form:

And the said board of managers shall appoint such professors of the more useful sciences and arts as may be necessary for a thorough, scientific, and liberal course of instruction; they may also employ able men to lecture upon useful subjects, and shall fix the compensation of such lecturers and professors: *Provided,* That the expenditure on account of the Institution shall at no time exceed the interest of the fund.

Mr. LINN BOYD and Mr. ADAMS, respectively, raised the point of order against this amendment, on the ground of identity with the words stricken out on motion of Mr. Adams.

The CHAIRMAN overruled the point of order; thus deciding the amendment in order.

The question was taken, and, after some delay for want of a quorum, was decided in the negative—ayes 42, noes 77.

So the motion was rejected.

Mr. ADAMS moved to strike out the ninth section, in the words following (which he said were now rendered useless by the amendments previously made):

SEC. 9. *And be it further enacted*, That the said board of managers shall also make rules and regulations for the admission of students into the various departments of the Institution, and their conduct and deportment while they remain therein: *Provided*, That all instruction in said Institution shall be gratuitous to those students who conform to such rules and regulations.

The question being taken, was decided in the affirmative.

So the section was stricken out.

The tenth section being under consideration, Mr. W. F. GILES moved an amendment, to add at the end thereof the following:

And shall cause to be published, from time to time, books in raised characters for the education of the blind, to be distributed by the said board of managers among the different State institutions for the education of the blind.

The question being taken, the amendment was rejected.

Mr. B. R. WOOD moved an amendment, to insert in the fourth line of tenth section the word "useful," and strike out the eleventh, twelfth, and thirteenth lines.

The question being taken, the amendment was rejected.

Mr. ADAMS moved to strike out the tenth section (in order to conform to previous amendments).

The question being taken, was decided in the affirmative; ayes, 68, noes, 57.

So the section was stricken out.

Mr. WOOD moved an amendment, to add as a new section, between the tenth and eleventh sections, the following:

*And be it further enacted*, That the sum of \$20,000 of the interest of said fund be, and is hereby, appropriated annually for the purchase or publication of a library for the diffusion of useful knowledge, to be selected or published under the direction of the said board of managers, which shall include the best elementary popular works upon the history, geography, and statistics of the United States; upon botany, mineralogy, geology, agriculture, agricultural chemistry, mechanics, and physiology; and which said library shall be distributed among the several States and Territories in the ratio of their representation, and be forwarded to the several governors of said States and Territories to be distributed among the people thereof in such a manner as their respective legislatures shall determine and shall most tend to increase and diffuse knowledge.

Mr. JEFFERSON DAVIS moved an amendment, to add at the close of the last section the following proviso:

*And provided further,* That no appropriation shall be made for the advancement of this Institution except from moneys which properly belong to the Smithsonian fund.

Agreed to.

Mr. JOHN A. MCCLERNAND gave notice of a substitute which he intended to offer when in order (which was read for information).

Mr. G. W. JONES moved a further proviso at the end of the bill, as follows:

*Provided,* That nothing in this act shall be so construed as to connect in any manner whatever said Smithsonian Institution with any other institution or society whatever.

Rejected.

The bill having now been gone through with, the question recurred on the amendment of Mr. G. W. Jones, to strike out all of the bill after the word "he," in the sixth line, first section, and insert:

Paid by the Secretary of the Treasury to the heirs at law or next of kin or residuary legatee of the said James Smithson, or their authorized agents, whenever they shall demand the same: *Provided,* That the Secretary of the Treasury shall, in paying over said money as herein directed, deliver to said heirs all State bonds or other stocks of every kind which have been purchased with said money or any part thereof, in lieu of so much of said money as shall have been so invested in State bonds or other stocks, and the balance of said sum of money, if any, not so invested, shall be paid out of any money in the Treasury not otherwise appropriated.

Mr. A. D. SIMS moved as an amendment to the amendment the proposition of which he had given notice (as a substitute for the bill) to provide for the return of the money.

The CHAIRMAN decided the amendment out of order at this time.

Mr. GEORGE RATHBUN moved to amend the amendment of Mr. Jones by striking out so much as relates to the restoring to the heirs, etc., of Mr. Smithson the bonds of the States (so that the money and not the bonds should be returned).

The amendment to the amendment was rejected.

The question then recurring on the original amendment of Mr. Jones was taken by tellers and decided in the negative—ayes 8, noes 115.

So the amendment was rejected.

The question then being on rising and reporting the bill as amended—

Mr. ADAMS, in compliance with previous notice, offered the following substitute for the bill:

Strike out the preamble, and all except the enacting clause, and insert:

That the President of the United States be requested, by the use of suitable means of moral suasion, and no others, to obtain from the governments of the States of Arkansas and Illinois payment of the arrears of interest due from the said States to the United States, and the interest thereafter, and the principal as it shall become

due, according to the promises on the face of the bonds given by the said States for moneys bequeathed by James Smithson, a benevolent Englishman, to the United States of America for the special purpose of founding, at the city of Washington, an institution for the increase and diffusion of knowledge among men, which bequest was, by an act of Congress approved on the first of July, eighteen hundred and thirty-six, accepted, with a pledge of the faith of the United States that it should be applied to the purposes prescribed by the testator.

SEC. 2. *And be it further enacted*, That when payment shall have been obtained from the said States of Arkansas and Illinois of the arrears of interest due on their said bonds Congress shall forthwith proceed to appropriate said sums of interest so recovered, together with the interest hitherto received, or hereafter to be received until the time of making such appropriations, in such manner as they shall deem suited to redeem the pledge of the faith of the United States to the application of the funds of the bequest of the said James Smithson to the specific purpose prescribed by the testator.

SEC. 3. *And be it further enacted*, That until the arrears of interest due by the said States of Arkansas and Illinois to the United States upon their said respective bonds shall have been received at the Treasury of the United States no appropriation shall be made by Congress chargeable upon the people of the United States for the fulfillment of the purposes prescribed by the testator James Smithson for the disposal of his bequest.

SEC. 4. *And be it further enacted*, That within the first thirty days of each and every successive session of Congress it shall be the duty of the Secretary of the Treasury to report to Congress the then actual state of the Smithsonian fund, and particularly the amount of arrears of interest due upon the said bonds of the States of Arkansas and Illinois, together with copies of all correspondence, showing the result of the means of moral suasion used during the preceding year to obtain payment of the said arrears of interest; and the said annual reports shall be printed for the information of the people.

Mr. GEORGE W. HOPKINS moved an amendment to the amendment, to strike out in its first section the words "of moral suasion and no others." Agreed to.

The third section of the said substitute amendment being under consideration,

Mr. JEFFERSON DAVIS moved an amendment, to add at the end of the section the following:

*Provided, however*, That if the governor of the State of Arkansas shall make it appear to the satisfaction of the Attorney-General of the United States that he has used suitable means to obtain from the Real Estate Bank of Arkansas payment of the debt due by said bank to the State of Arkansas, but without success, then, and in that case, and until the arrears due by the said Real Estate Bank shall have been received into the treasury of the State of Arkansas, the said State shall be, and is hereby, declared to be absolved from the promises on the face of her bonds by which the said State heretofore pledged her faith for the due payment of the principal and interest of said bonds.

The question being taken, the amendment was rejected.

Mr. JOHN WENTWORTH moved an amendment, to add at the end of the section the following:

That the State of Illinois shall have the power hereafter, like other States, to tax all lands within that State as soon as sold, providing the proceeds of said tax shall be applied to paying the interest due the Smithson fund, so far as may be necessary, and the balance, if any, to paying the interest upon her other bonds.

Mr. GEORGE W. HOPKINS raised the point of order against the amendment, on the ground of irrelevancy.

The CHAIRMAN sustained the point, and decided the amendment out of order.

Mr. E. H. EWING moved an amendment to the substitute, to strike out the third section. Rejected.

The fourth section, on the suggestion of Mr. Hopkins, was so modified by Mr. Adams as to conform to the amendment of the first, by striking out the words "moral suasion."

The question then being on the substitute of Mr. Adams, as amended, was taken by tellers, and decided in the negative—ayes 57, noes 74.

So the substitute of Mr. Adams was rejected.

The question again recurring on the original bill as amended,

Mr. W. J. HOUGH offered the amendment of which he had given notice as a substitute for the entire bill, being a bill consisting of fourteen sections.

Mr. G. P. MARSH moved several amendments, all with a view, as he said, to direct the appropriation entirely to the purposes of a library.

The first one was to section 7, to strike out the words "and such lecturers as may be employed by said board," and the words "and lecturers, and all other officers of the Institution."

The question being taken, was decided in the affirmative—ayes 72, noes 39.

So the amendment was agreed to.

Mr. MARSH next moved to strike out section 8, as follows:

SEC. 8. *And be it further enacted*, That the said Board of Regents shall employ so many and such able men to lecture upon useful subjects and at such times and places as they may deem most beneficial for the "increase and diffusion of knowledge among men;" and shall also, during each session of Congress, cause a course of such lectures to be delivered, weekly or semiweekly, publicly, in the lecture room of said Institution, and shall make all suitable provisions for the accommodation of all members and honorary members of said Institution, and of both Houses of Congress.

Also, an amendment to the ninth section, to increase the annual appropriation for the library from \$20,000 to \$25,000. Agreed to.

Mr. J. W. TIBBATTs moved to strike out the first section.

The CHAIRMAN decided the amendment to be out of order, that portion of the substitute bill having been passed.

Mr. MARSH moved an amendment to strike out the tenth and eleventh sections of the substitute, in the words following:

SEC. 10. *And be it further enacted*, That the said Board of Regents shall make all needful rules, regulations, and by-laws for the government of the Institution and the persons employed therein; and in prescribing the duties of the professors and lecturers they shall have reference to the introduction and illustration of subjects connected with the application of science to the productive and liberal arts of life, improvements in agriculture, in manufactures, in trades, and in domestic economy; and they shall also have special reference to the increase and extension of scientific knowledge gen-

erally, by experiment and research. And the said Regents shall cause to be printed, from time to time, any lecture, or course of lectures, which they may deem useful. And it shall be the duty of each lecturer, while in the service of the Institution, to submit a copy of any lecture or lectures delivered by him to the Regents if required.

SEC. 11. *And be it further enacted*, That it shall be competent for the board of managers to cause to be printed and published, periodically or occasionally, essays, pamphlets, magazines, or other brief works or productions for the dissemination of information among the people, especially works in popular form on agriculture and its latest improvements, or the sciences and the aid they bring to labor, manuals explanatory of the best systems of common school instruction, and, generally, tracts illustrative of objects of elementary science, and treatises on history, natural and civil, chemistry, astronomy, or any other department of useful knowledge; and may, at their discretion, offer and pay to any citizen or foreigner such sum or prize as they may deem discreet for the best written production of any such prize essay or work; and shall, whenever required by resolution of either House of Congress, cause to be printed and delivered to such House, for distribution among the people at large, as public documents of Congress are distributed, so many copies of such lectures, essays, pamphlets, magazines, tracts, or other brief works, as they may procure to be written or delivered, under the provisions of this act, as shall be required by such resolution, the expenses of which to be paid out of the funds of said Institution.

The amendment was agreed to.

Mr. A. G. THURMAN moved an amendment, to strike out the twelfth section. Rejected.

Mr. S. A. DOUGLASS moved an amendment, as an additional section (the thirteenth), in the words following:

SEC. 13. *And be it further enacted*, That the author or proprietor of any book, map, chart, musical composition, print, cut, or engraving, for which a copyright shall be secured under the existing acts of Congress, or those which shall hereafter be enacted, respecting copyrights, shall, within three months from the publication of said book, map, chart, musical composition, print, cut, engraving, deliver, or cause to be delivered, one copy of the same to the librarian of the Smithsonian Institution, and one copy to the librarian of the Congress Library, for the use of said libraries.

The question being taken, the amendment was agreed to.

The question now being on adopting the substitute of Mr. W. J. Hough, as amended, was taken by tellers, and decided in the affirmative—ayes 83, noes 40.

So the substitute was adopted.

The committee then rose and reported the bill and amendments to the House.

The question being first on agreeing to the substitute amendment of the committee, Mr. LINN BOYD demanded the previous question, which was seconded.

The main question was ordered.

The yeas and nays were asked and ordered, and being taken, resulted—yeas 81, nays 76—as follows:

YEAS—Messrs. John Q. Adams, Arnold, Atkinson, Barringer, Bell, J. A. Black, Brockenbrough, Milton Brown, William G. Brown, Buffington, William W. Campbell, John H. Campbell, Carroll, Chipman, Clarke, Cobb, Cocke, Collin, Cranston, Crozier, Cullom, Garret Davis, Delano, Dockery, Douglass, Dunlap, John H. Ewing, Edwin H. Ewing, Faran, Ficklin, Foot, Giddings, Grider, Grinnell, Hampton, Har-

per, Herrick, Hilliard, Elias B. Holmes, Hough, Edmund W. Hubbard, Samuel D. Hubbard, Hudson, Washington Hunt, Andrew Johnson, George W. Jones, Daniel P. King, Thomas Butler King, Lawrence, Lewis, Levin, Ligon, Maclay, McGaughey, McHenry, McIlvaine, Marsh, Morse, Moseley, Norris, Parish, Payne, Relfe, John A. Rockwell, Root, Scammon, Seaman, Simpson, Truman Smith, Albert Smith, Strohm, Benjamin Thompson, Thurman, Tilden, Trumbo, Vance, Vinton, Young, and Yost—81.

NAYS—Messrs. Stephen Adams, Bowlin, Boyd, Brinkerhoff, Brodhead, Burt, Cathcart, Reuben Chapman, Chase, Constable, Cunningham, Daniel, Dargan, Jefferson Davis, Dillingham, Dobbin, Dromgoole, Giles, Goodyear, Gordon, Graham, Grover, Hamlin, Harmanson, Henley, Hoge, Hopkins, George S. Houston, Hungerford, James B. Hunt, Hunter, Charles J. Ingersoll, Joseph R. Ingersoll, Joseph Johnson, Preston King, Leake, La Sere, Lumpkin, McLean, McClernand, McCrate, James McDowell, McKay, J. P. Martin, B. Martin, Morris, Moulton, Owen, Perrill, Phelps, Pollock, Price, Rathbun, Reid, Ritter, Sawtelle, Severance, Alexander D. Sims, Leonard H. Sims, Caleb B. Smith, Robert Smith, Stanton, St. John, Sykes, Thibodeaux, Thomasson, Jacob Thompson, Tibbatts, Wentworth, Wheaton, Wick, Wilmot, Woodruff, Woodward, Yancey, and Yell—76.

So the amendment of the committee was adopted.

The bill was then ordered to be engrossed.

Mr. SAMUEL GORDON demanded the yeas and nays on the passage of the bill: which were ordered, and being taken, resulted—yeas 85, nays 76—as follows:

YEAS—Messrs. John Q. Adams, Arnold, Bell, James A. Black, Brinkerhoff, Milton Brown, Buffington, William W. Campbell, John H. Campbell, Carroll, Cathcart, Cranston, Crozier, Cunningham, Garret Davis, Jefferson Davis, Delano, Dockery, Douglass, Dunlap, Edwin H. Ewing, Faran, Foot, Garvin, Giddings, Giles, Goodyear, Grider, Grinnell, Hamlin, Hampton, Harper, Herrick, Hilliard, E. B. Holmes, Hough, Samuel D. Hubbard, Hudson, Hungerford, Washington Hunt, Charles J. Ingersoll, Daniel P. King, Thomas B. King, Lawrence, Leib, Lewis, Levin, Maclay, McCrate, McGaughey, McHenry, McIlvaine, Marsh, Morse, Moseley, Owen, Pollock, Rathbun, Relfe, John A. Rockwell, Root, Sawtelle, Scammon, Seaman, Severance, Truman Smith, Albert Smith, Caleb B. Smith, Stanton, Strohm, Strong, Sykes, Thomasson, Benjamin Thompson, Thurman, Tilden, Trumbo, Vance, Vinton, Wentworth, Wick, Wilmot, Wood, Young, and Yost—85.

NAYS—Messrs. Stephen Adams, Atkinson, Barringer, Bayly, Bowlin, Boyd, Brockenbrough, Brodhead, William G. Brown, Burt, Reuben Chapman, Chase, Chipman, Clarke, Cobb, Cocke, Collin, Constable, Cullom, Daniel, Dargan, Dillingham, Dobbin, Dromgoole, Erdman, Graham, Grover, Harmanson, Hoge, Hopkins, George S. Houston, E. W. Hubbard, James B. Hunt, Hunter, Joseph R. Ingersoll, Joseph Johnson, Andrew Johnson, George W. Jones, Preston King, Leake, La Sere, Ligon, Lumpkin, McLean, McClelland, McClernand, James McDowell, McKay, John P. Martin, Barkley Martin, Morris, Moulton, Norris, Parrish, Payne, Perrill, Phelps, Price, Reid, Ritter, Alexander D. Sims, Leonard H. Sims, Simpson, Thomas Smith, Robert Smith, Stephens, St. John, Thibodeaux, Jacob Thompson, Tibbatts, Wheaton, Woodruff, Woodward, Yancey, and Yell—76.

So the bill was passed in the following form (being the substitute of Mr. W. J. Hough, as amended):

A bill to establish the "Smithsonian Institution," for the increase and diffusion of knowledge among men.

James Smithson, esquire, of London, in the Kingdom of Great Britain, having by his last will and testament given the whole of his property to the United States of

America, to found at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men; and the United States having, by an act of Congress, received said property and accepted said trust; therefore, for the faithful execution of said trust according to the will of the liberal and enlightened donor—

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President and Vice-President of the United States, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Postmaster-General, the Attorney-General, the Chief Justice, and the Commissioner of the Patent Office of the United States, and the mayor of the city of Washington, during the time for which they shall hold their respective offices, and such other persons as they may elect honorary members, be, and they are hereby, constituted an "establishment," by the name of the "Smithsonian Institution," for the increase and diffusion of knowledge among men; and by that name shall be known and have perpetual succession, with the powers, limitations, and restrictions hereinafter contained, and no other.

SEC. 2. *And be it further enacted,* That so much of the property of the said James Smithson as has been received in money, and paid into the Treasury of the United States, being the sum of five hundred and fifteen thousand one hundred and sixty-nine dollars, be lent to the United States Treasury, at six per cent per annum interest from the first day of September, in the year one thousand eight hundred and thirty-eight, when the same was received into the said Treasury; and that so much of the interest as may have accrued on said sum on the first day of July next, which will amount to the sum of two hundred and forty-two thousand one hundred and twenty-nine dollars, or so much thereof as shall by the Board of Regents of the Institution established by this act be deemed necessary, be, and the same is hereby, appropriated for the erection of suitable buildings, and for other current incidental expenses of said Institution; and that six per cent interest on the said trust fund—it being the said amount of five hundred and fifteen thousand one hundred and sixty-nine dollars received into the United States Treasury on the first of September, one thousand eight hundred and thirty-eight, payable, in half-yearly payments, on the first of January and July in each year be, and the same is hereby, appropriated for the perpetual maintenance and support of said Institution; and all expenditures and appropriations to be made from time to time, to the purposes of the Institution aforesaid, shall be exclusively from the accruing interest, and not from the principal of the said fund. *And be it further enacted,* That all the moneys and stocks which have been, or may hereafter be, received into the Treasury of the United States on account of the fund bequeathed by James Smithson, be, and hereby are, pledged to refund to the Treasury of the United States the sums hereby appropriated.

SEC. 3. *And be it further enacted,* That the business of the said Institution shall be conducted at the city of Washington by a Board of Regents by the name of the Regents of the "Smithsonian Institution," to be composed of the Vice-President of the United States, the Chief Justice of the United States, and the mayor of the city of Washington, during the time for which they shall hold their respective offices; three members of the Senate and three members of the House of Representatives, together with six other persons, other than members of Congress, two of whom shall be members of the National Institute in the city of Washington, and resident in the said city; and the other four thereof shall be inhabitants of States, and no two of them of the same State. And the Regents, to be selected as aforesaid, shall be appointed immediately after the passage of this act—the members of the Senate by the President thereof, the members of the House by the Speaker thereof, and the six other persons by joint resolution of the Senate and House of Representatives; and the members of the House so appointed shall serve until the fourth Wednesday in December, the second next after the passage of this act; and then, and biennially

thereafter, on every alternate fourth Wednesday of December, a like number shall be appointed in the same manner, to serve until the fourth Wednesday in December, the second succeeding their appointment. And the Senators so appointed shall serve during the term for which they shall hold, without reelection, their office as Senators. And vacancies, occasioned by death, resignation, or otherwise, shall be filled as vacancies in committees are filled; and the other six members aforesaid shall serve, two for two years, two for four years, and two for six years; the terms of service, in the first place, to be determined by lot; but after the first term, then their regular term of service shall be six years; and new elections thereof shall be made by joint resolution of Congress; and vacancies occasioned by death, resignation, or otherwise, may be filled in like manner, by joint resolution of Congress. And the said Regents shall meet in the city of Washington on the first Monday of September next after the passage of this act, and organize by the election of one of their number as Chancellor, who shall be the presiding officer of said Board of Regents, by the name of the Chancellor of the "Smithsonian Institution," and a suitable person as Secretary of said Institution, who shall also be the Secretary of said Board of Regents; said Board shall also elect three of their own body as an Executive Committee, and said Regents shall then fix on the time for the regular meeting of said Board; and on application of any three of the Regents to the Secretary of the said Institution, it shall be his duty to appoint a special meeting of the Board of Regents, of which he shall give notice by letter to each of the members; and at any meeting of said Board, five shall constitute a quorum to do business. And each member of said Board shall be paid his necessary travelling and other actual expenses in attending meetings of the Board, which shall be audited by the Executive Committee, and recorded by the Secretary of said Board; but his services as Regent shall be gratuitous. And whenever money is required for the payment of the debts or performance of the contracts of the Institution, incurred or entered into in conformity with the provisions of this act, or for making the purchases and executing the objects authorized by this act, the Board of Regents or the Executive Committee thereof, may certify to the Chancellor and Secretary of the Board that such sum of money is required; whereupon, they shall examine the same, and, if they shall approve thereof, shall certify the same to the proper officer of the Treasury for payment. And the said Board shall submit to Congress, at each session thereof, a report of the operations, expenditures, and condition of the Institution.

SEC. 4. *And be it further enacted*, That after the Board of Regents shall have met and become organized, it shall be their duty forthwith to proceed to select a suitable site for such building as may be necessary for the Institution, which ground may be taken and appropriated out of that part of the public ground in the city of Washington lying between the Patent Office and Seventh street: *Provided*, The President of the United States, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Commissioner of the Patent Office shall consent to the same; but if the persons last mentioned shall not consent, then such location may be made upon any other of the public grounds within the city of Washington belonging to the United States which said Regents may select, by and with the consent of the persons herein named; and the said ground so selected shall be set out by proper metes and bounds and a description of the same shall be made and recorded in a book to be provided for that purpose, and signed by the said Regents or so many of them as may be convened at the time of their said organization; and such record or a copy thereof, certified by the Chancellor and Secretary of the Board of Regents, shall be received in evidence in all courts of the extent and boundaries of the lands appropriated to the said Institution; and upon the making of such record such site and lands shall be deemed and taken to be appropriated by force of this act to the said Institution.

SEC. 5. *And be it further enacted*, That so soon as the Board of Regents shall have selected the said site, they shall cause to be erected a suitable building of plain and

durable materials and structure, without unnecessary ornament and of sufficient size and with suitable rooms or halls for the reception and arrangement upon a liberal scale of objects of natural history, including a geological and mineralogical cabinet; also a chemical laboratory, a library, a gallery of art, and the necessary lecture rooms; and the said Board shall have authority by themselves or by a committee of three of their members to contract for the completion of such building, upon such plan as may be directed by the Board of Regents, and shall take sufficient security for the building and finishing the same according to the said plan, and in the time stipulated in such contract; and may so locate said building, if they shall deem it proper, as in appearance to form a wing to the Patent Office building, and may so connect the same with the present hall of said Patent Office building containing the national cabinet of curiosities, as to constitute the said hall, in whole or in part, the deposit for the cabinet of said Institution, if they deem it expedient to do so; provided said building shall be located upon said Patent Office lot in the manner aforesaid: *Provided, however,* That the whole expense of building and enclosures aforesaid shall not exceed the amount of ———; which sum is hereby appropriated, payable out of money in the Treasury not otherwise appropriated, together with such sum or sums out of the annual interest accruing to the Institution as may in any year remain unexpended after paying the current expenses of the Institution. And duplicates of all such contracts as may be made by the said Board of Regents shall be deposited with the Treasurer of the United States; and all claims on any contract made as aforesaid shall be allowed and certified by the Board of Regents, or the Executive Committee thereof, as the case may be, and being signed by the Chancellor and Secretary of the Board shall be a sufficient voucher for settlement and payment at the Treasury of the United States. And the Board of Regents shall be authorized to employ such persons as they may deem necessary to superintend the erection of the buildings and fitting up the rooms of the Institution. And all laws for the protection of public property in the city of Washington shall apply to, and be in force for, the protection of the lands, buildings, and other property of said Institution. And all moneys recovered by or accruing to the Institution shall be paid into the Treasury of the United States to the credit of the Smithsonian bequest, and separately accounted for, as provided in the act approved July first, eighteen hundred and thirty-six, accepting the bequest.

SEC. 6. *And be it further enacted,* That, in proportion as suitable arrangements can be made for their reception, all objects of art and of foreign and curious research, and all objects of natural history, plants, and geological and mineralogical specimens belonging, or hereafter to belong, to the United States, which may be in the city of Washington, in whosoever custody the same may be, shall be delivered to such persons as may be authorized by the Board of Regents to receive them, and shall be arranged in such order, and so classed, as best to facilitate the examination and study of them, in the building so as aforesaid to be erected for the Institution; and the Regents of said Institution shall afterwards, as new specimens in natural history, geology, or mineralogy, may be obtained for the museum of the Institution by exchanges of duplicate specimens belonging to the Institution (which they are hereby authorized to make), or by donation, which they may receive, or otherwise, cause such new specimens to be also appropriately classed and arranged. And the minerals, books, manuscripts, and other property of James Smithson, which have been received by the Government of the United States, and are now placed in the Department of State, shall be removed to said Institution, and shall be preserved separate and apart from the other property of the Institution.

SEC. 7. *And be it further enacted,* That the Secretary of the Board of Regents shall take charge of the building and property of said Institution, and shall, under their direction, make a fair and accurate record of all their proceedings, to be preserved in said Institution; and the said Secretary shall also discharge the duties of librarian and of keeper of the museum, and may, with the consent of the Board of Regents,

employ assistants; and the said officers shall receive for their services such sum as may be allowed by the Board of Regents, to be paid semiannually on the first day of January and July, and the said officers shall be removable by the Board of Regents, whenever, in their judgment, the interests of the Institution require any of the said officers to be changed.

SEC. 8. *And be it further enacted*, That the members and honorary members of said Institution may hold such stated and special meetings, for the supervision of the affairs of said Institution, and the advice and instruction of said Board of Regents, to be called in the manner provided for in the by-laws of said Institution, at which the President, and in his absence, the Vice-President of the United States, shall preside. And the said Regents shall make, from the interest of said fund, an appropriation not exceeding an average of twenty-five thousand dollars annually, for the gradual formation of a library, composed of valuable works pertaining to all departments of human knowledge.

SEC. 9. *And be it further enacted*, That of any other moneys which have accrued, or shall hereafter accrue, as interest upon the said Smithsonian fund, not herein appropriated, or not required for the purposes herein provided, the said managers are hereby authorized to make such disposal as they shall deem best suited for the promotion of the purposes of the testator, anything herein contained to the contrary notwithstanding.

SEC. 10. *And be it further enacted*, That the author or proprietor of any book, map, chart, musical composition, print, cut, or engraving, for which a copyright shall be secured under the existing acts of Congress, or those which shall hereafter be enacted respecting copyrights, shall, within three months from the publication of said book, map, chart, musical composition, print, cut, or engraving, deliver, or cause to be delivered, one copy of the same to the Librarian of the Smithsonian Institution, and one copy to the Librarian of Congress Library, for the use of the said libraries.

SEC. 11. *And be it further enacted*, That there is reserved in Congress the right of altering, amending, adding to, or repealing any of the provisions of this act: *Provided*, That no contract, or individual right, made or acquired under such provisions, shall be thereby divested or impaired.

Mr. R. D. OWEN moved to reconsider the vote on the passage of the bill, and moved the previous question.

The previous question was seconded, and the main question was ordered, and, being taken, was decided in the negative.

So the House refused to reconsider the vote, and the bill finally passed.

*April 30, 1846—Senate.*

Message from the House that bill H. 5 had passed. The bill, on motion of Mr. DIXON H. LEWIS, was referred to a select committee of three members appointed by the President of the Senate. Mr. John A. Dix, Mr. Thomas Corwin, and Mr. D. H. Lewis were appointed.

*May 21, 1846—Senate.*

Mr. JOHN A. DIX presented a memorial of citizens of Madison County, New York, praying the adoption of a plan for the establishment of the Smithsonian Institution; which was referred to the select committee on the subject.

*June 1, 1846—Senate.*

Mr. J. A. DIX, from the select committee, reported H. 5, with amendments.

*June 24, 1846—Senate.*

Mr. D. S. DICKINSON presented the proceedings and resolutions of a convention of county superintendents of common schools, held at Albany, New York.

Ordered to lie on the table.

At a convention of county superintendents of common schools and friends of education generally, held at the city of Albany, in the State of New York, on the 12th, 13th, 14th, and 15th days of May last, the following resolutions offered by the Hon. Jabez D. Hammond, of the county of Otsego, were unanimously adopted:

*Resolved*, That while this convention are impressed with profound respect and veneration for the memory of the late James Smithson, of England, and gratitude for his munificent legacy to the United States, made with a view to the increase and diffusion of knowledge among men, they can not suppress their deep mortification and painful regret that the representatives of the people of these United States should have suffered a fund created for such noble and exalted purposes to remain so long unemployed, and they do respectfully, but most earnestly, recommend to the present Congress to adopt such measures as will carry into immediate effect the benevolent intentions of the philanthropic and liberal donor.

*Resolved*, That a copy of this resolution, signed by the president and secretaries, be forwarded to each of the Senators in the Senate of the United States from the State of New York.

SAMUEL S. RANDALL, *President*.  
EDWARD COOPER,  
W. PUTNAM,  
*Secretaries*.

*August 7, 1846—Senate.*

H. 5 was passed over in consequence of want of time for consideration.

*August 10, 1846—Senate.*

The Senate proceeded to consider the bill (H. 5) to establish the Smithsonian Institution for the increase and diffusion of knowledge among men, together with the amendments reported thereto; and the reported amendments having been disagreed to, the bill was reported to the Senate.

*Ordered*, That it pass to a third reading. The said bill was read a third time.

On the question, "Shall this bill pass?" It was determined in the affirmative—yeas, 26; nays, 13.

On motion by Mr. WILLIAM ALLEN, the yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative were:

YEAS—Messrs. Archer Atchison, Barrow, Berrien, Cameron, Cilley, Thomas Clayton, John M. Clayton, Corwin, Davis, Evans, Greene, Houston, Huntington, Jarnagin, Johnson, of Maryland, Johnson, of Louisiana, Lewis, Mangum, Miller, Morehead, Phelps, Speight, Sturgeon, Upham, Webster.

Those who voted in the negative were:

NAYS—Messrs. Allen, Ashley, Atherton, Bagby, Benton, Calhoun, Dickinson, Fairfield, McDuffie, Semple, Turney, Westcott, Yulee.

The bill was accordingly passed.

*Ordered*, That the Secretary notify the House of Representatives accordingly.

Mr. GEORGE EVANS (by unanimous consent) asked and obtained leave to bring in a resolution, S. 37, appointing regents of the Smithsonian Institution. Considered in Committee of the Whole. Passed.

Mr. GEORGE EVANS submitted resolution:

*Resolved* (the House of Representatives concurring), That the sixteenth joint rule of the two Houses be suspended, so far as it relates to a resolution (S. 37) appointing regents of the Smithsonian Institution.

Considered, by unanimous consent, and agreed to.

*August 10, 1846.*

An act to establish the "Smithsonian Institution," for the increase and diffusion of knowledge among men.

[As finally adopted and made a law.]

James Smithson, esquire, of London, in the Kingdom of Great Britain, having by his last will and testament given the whole of his property to the United States of America, to found at Washington, under the name of the "Smithsonian Institution," an establishment for the increase and diffusion of knowledge among men; and the United States having, by an act of Congress, received said property and accepted said trust; Therefore, for the faithful execution of said trust, according to the will of the liberal and enlightened donor—

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President and Vice-President of the United States, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Postmaster-General, the Attorney-General, the Chief Justice, and the Commissioner of the Patent Office of the United States, and the mayor of the city of Washington, during the time for which they shall hold their respective offices, and such other persons as they may elect honorary members, be, and they are hereby constituted, an "establishment," by the name of the "Smithsonian Institution," for the increase and diffusion of knowledge among men; and by that name shall be known and have perpetual succession, with the powers, limitations, and restrictions, hereinafter contained, and no other.

SEC. 2. *And be it further enacted*, That so much of the property of the said James Smithson as has been received in money, and paid into the treasury of the United States, being the sum of five hundred and fifteen thousand one hundred and sixty-nine dollars, be lent to the United States treasury at six per cent. per annum interest, from the first day of September, in the year one thousand eight hundred and thirty-eight, when the same was received into the said treasury; and that so much of the interest as may have accrued on said sum on the first day of July next, which will amount to the sum of two hundred

and forty-two thousand one hundred and twenty-nine dollars, or so much thereof as shall by the Board of Regents of the Institution established by this act be deemed necessary, be, and the same is hereby, appropriated for the erection of suitable buildings, and for other current incidental expenses of said Institution; and that six per cent. interest on the said trust fund, it being the said amount of five hundred and fifteen thousand one hundred and sixty-nine dollars, received into the United States treasury on the first of September, one thousand eight hundred and thirty-eight, payable, in half-yearly payments, on the first of January and July in each year, be, and the same is hereby, appropriated for the perpetual maintenance and support of said Institution; and all expenditures and appropriations to be made from time to time, to the purposes of the Institution aforesaid, shall be exclusively from the accruing interest, and not from the principal of the said fund. *And be it further enacted*, That all the moneys and stocks which have been, or may hereafter be, received into the treasury of the United States on account of the fund bequeathed by James Smithson, be, and the same hereby are, pledged to refund to the treasury of the United States the sums hereby appropriated.

SEC. 3. *And be it further enacted*, That the business of the said Institution shall be conducted at the city of Washington by a board of regents, by the name of the Regents of the "Smithsonian Institution," to be composed of the Vice-President of the United States, the Chief Justice of the United States, and the mayor of the city of Washington, during the time for which they shall hold their respective offices; three members of the Senate, and three members of the House of Representatives; together with six other persons, other than members of Congress, two of whom shall be members of the National Institute in the city of Washington, and resident in the said city; and the other four thereof shall be inhabitants of States, and no two of them of the same State. And the regents to be selected as aforesaid shall be appointed immediately after the passage of this act—the members of the Senate by the president thereof, the members of the House by the speaker thereof, and the six other persons by joint resolution of the Senate and House of Representatives; and the members of the House, so appointed, shall serve until the fourth Wednesday in December, the second next after the passage of this act; and then, and biennially thereafter, on every alternate fourth Wednesday of December, a like number shall be appointed in the same manner, to serve until the fourth Wednesday in December, the second succeeding their appointment. And the senators so appointed shall serve during the term for which they shall hold, without reelection, their office as senators. And vacancies occasioned by death, resignation, or otherwise, shall be filled as vacancies in committees are filled; and the other six members aforesaid shall serve, two for two years, two for four years, and two for

six years; the terms of service, in the first place, to be determined by lot; but, after the first term, then their regular term of service shall be six years; and new elections thereof shall be made by joint resolution of Congress; and vacancies occasioned by death, resignation, or otherwise, may be filled in like manner, by joint resolution of Congress. And the said regents shall meet in the city of Washington, on the first Monday of September next after the passage of this act, and organize by the election of one of their number as chancellor, who shall be the presiding officer of said board of regents, by the name of the Chancellor of the "Smithsonian Institution," and a suitable person as secretary of said institution, who shall also be the secretary of said board of regents; said board shall also elect three of their own body as an executive committee, and said regents shall then fix on the time for the regular meetings of said board; and, on application of any three of the regents to the secretary of the said Institution, it shall be his duty to appoint a special meeting of the board of regents, of which he shall give notice, by letter, to each of the members; and, at any meeting of said board, five shall constitute a quorum to do business. And each member of said board shall be paid his necessary traveling and other actual expenses, in attending meetings of the board, which shall be audited by the executive committee, and recorded by the secretary of said board; but his services as regent shall be gratuitous. And whenever money is required for the payment of the debts or performance of the contracts of the institution, incurred or entered into in conformity with the provisions of this act, or for making the purchases and executing the objects authorized by this act, the board of regents, or the executive committee thereof, may certify to the chancellor and secretary of the board that such sum of money is required, whereupon they shall examine the same, and, if they shall approve thereof, shall certify the same to the proper officer of the treasury for payment. And the said board shall submit to Congress, at each session thereof, a report of the operations, expenditures, and condition, of the institution.

SEC. 4. *And be it further enacted*, That, after the board of regents shall have met and become organized, it shall be their duty forthwith to proceed to select a suitable site for such building as may be necessary for the institution, which ground may be taken and appropriated out of that part of the public ground in the city of Washington lying between the patent office and Seventh Street: *Provided*, The President of the United States, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Commissioner of the Patent Office, shall consent to the same; but, if the persons last named shall not consent, then such location may be made upon any other of the public grounds within the city of Washington, belonging to the United States, which said regents may select,

by and with the consent of the persons herein named; and the said ground, so selected, shall be set out by proper metes and bounds, and a description of the same shall be made, and recorded in a book to be provided for that purpose, and signed by the said regents, or so many of them as may be convened at the time of their said organization; and such record, or a copy thereof, certified by the chancellor and secretary of the board of regents, shall be received in evidence, in all courts, of the extent and boundaries of the lands appropriated to the said institution; and, upon the making of such record, such site and lands shall be deemed and taken to be appropriated, by force of this act, to the said institution.

SEC. 5. *And be it further enacted*, That, so soon as the board of regents shall have selected the said site, they shall cause to be erected a suitable building, of plain and durable materials and structure, without unnecessary ornament, and of sufficient size, and with suitable rooms or halls, for the reception and arrangement, upon a liberal scale, of objects of natural history, including a geological and mineralogical cabinet; also a chemical laboratory, a library, a gallery of art, and the necessary lecture rooms; and the said board shall have authority, by themselves, or by a committee of three of their members, to contract for the completion of such building, upon such plan as may be directed by the board of regents, and shall take sufficient security for the building and finishing the same according to the said plan, and in the time stipulated in such contract; and may so locate said building, if they shall deem it proper, as in appearance to form a wing to the patent office building, and may so connect the same with the present hall of said patent office building, containing the national cabinet of curiosities, as to constitute the said hall, in whole or in part, the deposit for the cabinet of said institution, if they deem it expedient to do so: provided, said building shall be located upon said patent office lot, in the manner aforesaid: *Provided, however*, That the whole expense of the building and enclosures aforesaid shall not exceed the amount of ———, which sum is hereby appropriated, payable out of money in the treasury not otherwise appropriated, together with such sum or sums out of the annual interest accruing to the institution, as may, in any year, remain unexpended, after paying the current expenses of the institution. And duplicates of all such contracts as may be made by the said board of regents shall be deposited with the treasurer of the United States; and all claims on any contract made as aforesaid shall be allowed and certified by the board of regents, or the executive committee thereof, as the case may be, and, being signed by the chancellor and secretary of the board, shall be a sufficient voucher for settlement and payment at the treasury of the United States. And the board of regents shall be authorized to employ such persons as they may deem necessary to superintend

the erection of the building and fitting up the rooms of the institution. And all laws for the protection of public property in the city of Washington shall apply to, and be in force for, the protection of the lands, buildings, and other property, of said institution. And all moneys recovered by, or accruing to, the institution, shall be paid into the treasury of the United States, to the credit of the Smithsonian bequest, and separately accounted for, as provided in the act approved July first, eighteen hundred and thirty-six, accepting said bequest.

SEC. 6. *And be it further enacted*, That, in proportion as suitable arrangements can be made for their reception, all objects of art and of foreign and curious research, and all objects of natural history, plants, and geological and mineralogical specimens, belonging, or hereafter to belong, to the United States, which may be in the city of Washington, in whosoever custody the same may be, shall be delivered to such persons as may be authorized by the board of regents to receive them, and shall be arranged in such order, and so classed, as best [to] facilitate the examination and study of them, in the building so as aforesaid to be erected for the institution; and the regents of said institution shall afterwards, as new specimens in natural history, geology, or mineralogy, may be obtained for the museum of the institution by exchanges of duplicate specimens belonging to the institution (which they are hereby authorized to make,) or by donation, which they may receive, or otherwise, cause such new specimens to be also appropriately classed and arranged. And the minerals, books, manuscripts, and other property, of James Smithson, which have been received by the government of the United States, and are now placed in the department of state, shall be removed to said institution, and shall be preserved separate and apart from other property of the institution.

SEC. 7. *And be it further enacted*, That the secretary of the board of regents shall take charge of the building and property of said institution, and shall, under their direction, make a fair and accurate record of all their proceedings, to be preserved in said institution; and the said secretary shall also discharge the duties of librarian and of keeper of the museum, and may, with the consent of the board of regents, employ assistants; and the said officers shall receive for their services such sums as may be allowed by the board of regents, to be paid semi-annually on the first day of January and July; and the said officers shall be removable by the board of regents, whenever, in their judgment, the interests of the institution require any of the said officers to be changed.

SEC. 8. *And be it further enacted*, That the members and honorary members of said institution may hold such stated and special meetings, for the supervision of the affairs of said institution and the advice and instruction of said board of regents, to be called in the

manner provided for in the by-laws of said institution, at which the President, and in his absence the Vice-President of the United States shall preside. And the said regents shall make, from the interest of said fund, an appropriation, not exceeding an average of twenty-five thousand dollars annually, for the gradual formation of a library composed of valuable works pertaining to all departments of human knowledge.

SEC. 9. *And be it further enacted*, That of any other moneys which have accrued, or shall hereafter accrue, as interest upon the said Smithsonian fund, not herein appropriated, or not required for the purposes herein provided, the said managers are hereby authorized to make such disposal as they shall deem best suited for the promotion of the purpose of the testator, anything herein contained to the contrary notwithstanding.

SEC. 10. *And be it further enacted*, That the author or proprietor of any book, map, chart, musical composition, print, cut, or engraving, for which a copyright shall be secured under the existing acts of Congress, or those which shall hereafter be enacted respecting copyrights, shall, within three months from the publication of said book, map, chart, musical composition, print, cut, or engraving, deliver, or cause to be delivered, one copy of the same to the librarian of the Smithsonian Institution, and one copy to the librarian of Congress Library, for the use of the said libraries.

SEC. 11. *And be it further enacted*, That there is reserved to Congress the right of altering, amending, adding to, or repealing, any of the provisions of this act: *Provided*, That no contract, or individual right, made or acquired under such provisions, shall be thereby divested or impaired.

(Stat., IX, 102.)

#### INTERNATIONAL EXCHANGES.

*March 4, 1846.*

*Resolved, etc.*, That the librarian of Congress be, and he hereby is, authorized and directed to procure a complete series of reports of all the decisions of the Supreme Court of the United States, and of the Circuit and District Courts thereof, which have been heretofore published; as also a complete copy of the public Statutes at Large of the United States, now being edited by Richard Peters, esq., by authority of Congress, the whole to be uniformly bound and lettered; and to cause the same, under the direction of the chief justice of said Supreme Court, to be transmitted and presented to the minister of justice of France, in return and exchange for works of French law heretofore presented by the minister to the Supreme Court aforesaid.

SEC. 2. *And be it further resolved*, That, for the purpose aforesaid, there be appropriated, out of any money in the treasury not otherwise appropriated, a sum not exceeding five hundred dollars.

(Stat., IX, 109.)

EXPLORING EXPEDITION.

*July 15, 1846.*

*Resolved, etc.,* That of the thirty-seven copies of the narrative and scientific works of the exploring expedition, deposited, and to be deposited, in the library of Congress, one copy shall be presented to the State of Florida; and whenever any new State shall be admitted into the Union, one copy of said works shall be presented to such State.

(Stat., IX, 111.)

*August 10, 1846.*

(Civil and diplomatic act for 1847.

For continuing the publication of the works of the exploring expedition, including the printing of charts, the pay of the scientific corps, and the salary of the horticulturist, \$30,000.

(Stat., IX, 94.)

*March 3, 1847.*

(Civil and diplomatic act for 1848.

For continuing the publication of the works of the exploring expedition, including the printing of the charts, the pay of the scientific corps, salary of the horticulturist, and care of the collections, \$15,000.

(Stat., IX, 164.)

CATLIN INDIAN GALLERY.

*July 24, 1846—House.*

Mr. W. W. CAMPBELL, from the Joint Committee on the Library, to which was referred the memorial of Mr. Catlin for the purchase of his gallery of Indian collections of paintings, made a report thereon, and recommended an amendment to the bill of the House "To establish the Smithsonian Institution for the increase and diffusion of knowledge among men," providing for the purchase of said gallery of Indian collections of paintings, which report was laid upon the table.

*February 27, 1847—Senate.*

Mr. J. M. CLAYTON moved an amendment to the civil and diplomatic appropriation bill appropriating a sum (\$5,000) to be paid annually for the purchase of Catlin's gallery of Indian portraits, etc.

Mr. Clayton stated that this was probably the last opportunity which would be offered for obtaining this gallery of paintings perpetuating the lineaments of these aborigines. He would not now go into the merits of these paintings. They had been seen by all the Senators. At the last session memorials had been presented from the principal artists praying that they might be purchased by the Government, and this was the last opportunity. They were about six hundred in number and were now at the Louvre, in Paris, where they met with unqualified approbation. It was provided by his amendment that they were not to be purchased unless the Smithsonian Institution would find

a place for them in their gallery, which he understood would probably be done. They might, perhaps, be purchased for about \$50,000, of which it was proposed to pay \$5,000 annually.

Mr. SIDNEY BREESE said he was not aware of any arrangement which had been suggested in the Institute for these paintings, and 600 of them would fill the entire gallery intended for fine arts. These pictures are not of themselves of such excellence as would probably be selected for the gallery of the arts.

Mr. JAMES D. WESTCOTT was opposed to purchasing the portraits of savages. What great moral lesson are they intended to inculcate? He would rather see the portraits of the numerous citizens who have been murdered by these Indians. He would not vote a cent for a portrait of an Indian.

Mr. CLAYTON added that this collection had cost Mr. Catlin not less than \$10,000. Propositions had been made for their purchase in Europe in order to perpetuate the memory of these Indians, but we are more bound to preserve them than foreigners were. As to the Institute, this appropriation was to depend on their decision. If they could not provide a place for them the paintings would not be purchased.

The motion was then decided in the negative.

#### APPOINTMENT OF REGENTS.

*By Vice-President.*

*August 10, 1846—Senate.*

The Vice-President (Mr. GEORGE M. DALLAS) appointed George Evans, Sidney Breese, and Isaac S. Pennybacker as Regents of the Smithsonian Institution under the provisions of the act of August 10, 1846, establishing the Institution.

*January 16, 1847—Senate.*

Mr. SIDNEY BREESE rose and stated that there was a vacancy in the Board of Regents of the Smithsonian Institution, occasioned by the death of Senator Pennybacker, and that it was important that the same be filled, inasmuch as there was to be a meeting of the Board of Regents on the 20th of this month, at which important business would be brought forward.

Mr. Breese referred to the law in relation to the mode of making appointments to fill vacancies occurring in the said board, which directs that such vacancies shall be filled in the same manner as vacancies occurring in standing committees of the Senate. These were filled either by election on the part of the Senate or by the appointment of the presiding officer. He moved that the Vice-President be authorized to appoint a person to fill the vacancy.

Mr. JOHN J. CRITTENDEN remarked that he was entirely satisfied with the appointments which had been made, although they were made after the adjournment of Congress, and consequently he had no participation in making them. But as a vacancy now occurred during a session of Congress, he thought it would be proper that the Senate should exercise its right to select a person to fill that vacancy. He was the more desirous that this should be done inasmuch as he had in his mind a gentleman who had lately distinguished himself in writing upon this subject, and who, he believed, would be the proper person to be selected.

Mr. GEORGE EVANS reminded the Senator from Kentucky that the person to be appointed must be a member of the Senate.

Mr. CRITTENDEN. Oh! That being the case, Mr. President, I offer no further objection to the motion. The person I wished to see appointed is Dr. Bird.

Mr. JAMES D. WESTCOTT said when the Smithsonian bill was before Congress at the last session he was opposed to it, and he believed he voted against it throughout when present in the Senate, while it was under consideration. He had many objections to the bill. An insuperable one was, that he objected to those provisions by which Senators and Representatives were to be appointed "regents," an office created by the law passed by themselves. He had no idea that it was constitutional or in any wise proper for members of Congress to make offices for themselves of this character. The office of regent was a civil office, and the Constitution prohibited members of Congress from being appointed to any office created "during the term for which they were elected." It was an office of trust and honor, and, in some respects, of emolument. With this belief, he should not vote upon this motion, to which he had no other objection. If he voted against it, his vote would be subject to misconstruction. He knew a majority of the Senate differed with him on the constitutional question he had adverted to, but on such a question he must obey the dictates of his own conscience.

The motion of Mr. Breese was then agreed to.

*January 18, 1847—Senate.*

The Vice-President (Mr. DALLAS) announced that he had appointed Lewis Cass to be a regent of the Smithsonian Institution, in the place of Isaac S. Pennybacker, deceased.

*February 22, 1847—Senate.*

On motion of Mr. SIDNEY BREESE, the Vice-President (Mr. DALLAS) was authorized to fill the vacancy in the Board of Regents of the Smithsonian Institution caused by the resignation of George Evans.

James A. Pearce, of Maryland, was appointed.

## APPOINTMENT OF REGENTS

*By Speaker.**August 10, 1846—House.*

A message was received from the President informing the House that he had approved the bill to provide for the establishment of the Smithsonian Institution.

The Speaker (Mr. JOHN W. DAVIS) said that by one provision of the bill it was made the duty of the Chair to appoint three regents, and he announced that he had accordingly appointed:

Robert Dale Owen, of Indiana; William J. Hough, of New York; Henry W. Hilliard, of Alabama.

## APPOINTMENT OF REGENTS

*By Joint Resolution.**August 10, 1846.*

*Resolved, etc.,* That Rufus Choate, of Massachusetts, Gideon Hawley, of New York, Richard Rush, of Pennsylvania, William C. Preston, of South Carolina, and Alexander Dallas Bache and Joseph G. Totten, residents of the city of Washington, be, and the same are hereby, appointed regents of the Smithsonian Institution, in accordance with the provisions of the act establishing said institution.

(Stat., IX, 115.)

## PURCHASE OF CITY HALL FOR THE SMITHSONIAN INSTITUTION.

*February 15, 1847—Senate.*

Mr. GEORGE EVANS presented bill:

*Be it enacted, etc.,* That the regents of the Smithsonian Institution be, and they are hereby, authorized to purchase of the corporation of the city of Washington, all the right, title, and interest of the said corporation in and to the City Hall of the said city; subject, however, to the conditions and provisions hereinafter specified: *Provided,* That the corporation shall, on or before the tenth day of March next, enter into bond, with sufficient sureties, to be approved by the Attorney-General of the United States, that they will erect on the Market Space, between Seventh and Ninth streets west, and between Pennsylvania avenue and B street north, a suitable and commodious building, in which there shall be included such apartments as may be necessary for the accommodation of the circuit court of the United States for the county of Washington, in the District of Columbia, for the use of the grand and petit jurors of the said county, for the offices of the clerk of the said court and the marshal of said District, and for the preservation and security of the books, papers, and records of the said court; and that they will complete the said building, or so much of the same as may contain the apartments and accommodations aforesaid, and shall prepare the same for the said courts and offices, on or before the tenth day of March, 1848. And upon such purchase being completed, the said corporation shall release and forever quitclaim unto the said Smithsonian Institution all the right and title of the said corporation unto the said city hall, and unto the possession and occupation of the lot or square on which the same now stands.

SEC. 2. *And be it further enacted*, That so soon as the said bond and release shall be executed by the said corporation, and sufficient evidence thereof be laid before the President of the United States, the President be, and he is hereby, authorized to grant unto the said corporation the right to occupy and improve, for public purposes, all or any portion of that lot or square of ground in the city of Washington, including the Market space, lying between Seventh and Ninth streets west, and bounded on the north by the south line of Pennsylvania avenue, and on the south by the north line of B street north. And then, and in that case, there shall also be paid to the corporation, towards the erection of the building, as provided in the first section of this act, the sum of \$35,000, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated; and the said sum of \$35,000 is hereby declared to be in full of the apartments and accommodations specified in the first section of this act; and the said apartments and accommodations shall forever remain subject to the occupation of the courts and their offices aforesaid.

SEC. 3. *And be it further enacted*, That in case of the execution, by the said corporation, of the bond and release aforesaid, the regents of the Smithsonian Institution be, and they are hereby, authorized, by resolution of the board of regents, to retrocede to the United States that certain building site in the city of Washington, and in the public reservation commonly called the Mall, which, according to the provisions of the act organizing said Institution, approved August tenth, 1846, has become the property of the said Institution; and upon proper evidence being adduced, to the satisfaction of the President of the United States, of said retrocession, the President shall be, and he is hereby, authorized to convey to the Smithsonian Institution, by metes and bounds, so much of that public reservation in the city of Washington, commonly called the Judiciary square, as lies south of the extension of the south line of E street north, being the same lot or square on which the city hall now stands; and the said conveyance by the President shall be received in evidence in all courts of the extent and boundaries of the lot or square of land which, by virtue of this act, may become the property of the said Smithsonian Institution.

SEC. 4. *And be it further enacted*, That the commissioner of public buildings in the city of Washington be, and he is hereby, authorized and required to provide temporary accommodations in some suitable building for the circuit court of the United States for the county of Washington, and for its offices and records, until the tenth day of March, 1848. And for the purpose of procuring said accommodations, the sum of \$1,000, or so much of the same as may be required for that object, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

Referred to the Committee on the District of Columbia.

#### REPORT OF THE SMITHSONIAN INSTITUTION.

*March 2, 1847—Senate.*

Mr. SIDNEY BREESE presented a report of the Board of Regents of the Smithsonian Institution, made agreeably to law, showing the operations, expenditures, and condition of the Institution, which was ordered to be printed.



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## **PART III.**

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### **LEGISLATION RELATIVE TO THE INSTITUTION AND ITS DEPENDENCIES: 1847 TO 1899.**

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## THIRTIETH CONGRESS, 1847-1849.

### COMMITTEE ON THE SMITHSONIAN INSTITUTION.

*December 8, 1847—House.*

Mr. HUGH WHITE gave notice that on some subsequent day he would move to amend the rules of the House so as to provide for the appointment of a committee on the Smithsonian Institution.

*December 13, 1847—House.*

Mr. HUGH WHITE, in compliance with the notice he had given, introduced resolution.

*Resolved*, That the rules of this House be amended by adding one to the committees, to consist of nine members, which shall be entitled a Committee on the Smithsonian Institution. It shall be the duty of the said committee to supervise the proceedings of the Board of Regents, examine accounts and the condition of the funds of the Institution, suggest such alterations or amendments of the law under which the Institution was established as may be deemed necessary, and report to the House from time to time, as the interest of the Institution may require.

Mr. H. W. HILLIARD said he supposed that the resolution would, as a matter of course, lie over.

The Speaker (Mr. R. C. WINTHROP) said that the resolution was now before the House.

Mr. HILLIARD deemed this resolution entirely unnecessary. The Regents of the Smithsonian Institution were selected, three from the Senate and three from the House. What possible necessity, then, could there be to justify the appointment of a committee to inspect the affairs of that Institution? Besides, other departments of this Government were required to act in concert with them, and therefore there could be no reason to justify the bringing of the affairs of that Institution into this arena of debate, that its progress might be embarrassed, its harmony of action impaired, and the objects which it had undertaken be defeated. He asked the gentleman what good he proposed to accomplish by it? He would impute no sinister motive to a gentleman of his enlarged and enlightened views, but still it must be borne in mind that the bill itself encountered great difficulties in its progress through the House during the last session. Much hostility was manifested to it, and therefore he again asked, what good could be anticipated from the appointment of such a committee?

Mr. HILLIARD believed they ought not to change the present relations of Congress to that Institution. A committee appointed by this House would not share in the daily deliberations of the Board of

Regents, and, without participating in them, it would be difficult to comprehend all its designs. The Board of Regents had endeavored in good faith to carry out the law passed by Congress; and, having done so, he said, let them go on; and if their affairs should hereafter call for the appointment of a select committee, appoint one when required, but do not now provide the means unnecessarily of constantly bringing on this floor, where they were so much oppressed with debate, the affairs of the Smithsonian Institution.

Mr. WHITE disclaimed all hostility to that Institution, and declared his ardent desire to cooperate with the Regents. The bequest was a noble one, and it should be carried out in the same spirit. The committee which he proposed to create, on which he did not desire to be placed, would merely supervise the appropriations and review its affairs, and his could not, therefore, be considered a hostile motion. It was a new Institution, under the care and guardianship of Congress, and such a committee might be necessary to report what was useful and requisite to carry out the design of the testator, which was to increase the diffusion of knowledge among men.

Mr. C. J. INGERSOLL suggested, to save time, that the resolution should be referred to the Select Committee on Rules, who could take it into consideration and report thereon to the House.

Mr. WHITE had no objection to that course. He modified his resolution accordingly, and it was referred to the select committee designated.

*December 19, 1847—House.*

The House having under consideration the Rules of the House, the seventh proposed rule was read as follows:

7. In addition to the other standing committees of the House, there shall be one called the Smithsonian Committee, whose duty it shall be to superintend the affairs of the Smithsonian Institution.

Mr. C. J. INGERSOLL expressed a desire to postpone the consideration of this rule to a future day.

Mr. H. W. HILLIARD said he desired to occupy about ten minutes of the time of the House on this subject at this time. He thought this was the precise occasion on which a few words should be said.

Mr. INGERSOLL had no objection; but as the other rules had been disposed of, he wished to defer this for the present.

Mr. HILLIARD undertook to move the postponement to a day certain, and then proceeded as follows:

Mr. Speaker, it so happens that I am the only member of the Board of Regents of the Smithsonian Institution now entitled to a seat on this floor. It is important to secure the good-will of the country in behalf of an enterprise so elevated—one might say, so sublime.

There exists some misconception in regard to the Institution, and idle rumors are afloat which may affect it injuriously. Scientific

establishments are not to go out and court popularity, but they must not be indifferent to public sentiment. Before entering upon the stormy and engrossing debates in which we shall presently be engaged, I desire by a simple statement of facts to give the House a view of the history, condition, and plans of an institution which so strongly appeals to us for protection.

Mr. Smithson's bequest was a noble one. He gave his whole property to found at the city of Washington "an establishment for the increase and diffusion of knowledge among men." America was selected as a field for so wide and beneficent a design. Young, vigorous, rapidly increasing in numbers, this country afforded the best ground upon which to rest an establishment which was designed to enlighten mankind.

Entering into the spirit of this bequest Congress passed an act making the most liberal provision for carrying it into practical effect. The whole sum, with its accumulated interest, was turned over to the establishment created by the act, composed of the President and Vice-President of the United States, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Postmaster-General, the Attorney-General, the Chief Justice, and the Commissioner of the Patent Office of the United States, and the mayor of the city of Washington, during the time for which they shall hold their respective offices, and such other persons as they may elect honorary members. The sum amounted to \$515,169, and a further sum of \$242,129, being the accumulated interest upon that sum since it came into possession of the Government. The principal sum was forever to remain untouched; the interest was appropriated to the erection of the building and incidental expenses. The building to be erected was to meet the provisions of the act, which required it to contain suitable rooms or halls for the reception and arrangement, upon a liberal scale, of objects of natural history, including a geological and mineralogical cabinet; also a chemical laboratory, a library, a gallery of art, and the necessary lecture rooms. Another section provides that, in proportion as suitable arrangements can be made for their reception, all objects of art, and of foreign and curious research, and all objects of natural history, plants, and geological and mineralogical specimens, belonging or hereafter to belong to the United States, which may be in the city of Washington, shall be delivered to the care of the Institution, and so classed and arranged as best to facilitate the examination and study of them in the building to be erected. This at once empties the great hall of the Patent Office, 350 feet long, of its contents. It must be at once seen that the Smithsonian building ought, if it is to accommodate these great and various objects, to be of ample dimensions. This building, too, was to be erected without delay. The site was to be selected "forthwith," "and so soon" as that was done the Board was to proceed with the erection of the building.

The Board of Regents faithfully studied the will of Mr. Smithson and the law creating the establishment.

Two things were to be accomplished: First, to increase knowledge by original research; and then, second, to diffuse it by suitable and efficient agencies; or, in the language of the venerable and distinguished gentleman from Massachusetts (Mr. Adams), "to spread knowledge throughout the world."

The task devolved by Congress on the Regents was no light one. They were called on to organize and set on foot this establishment, so beneficent in its conception, so comprehensive in its design. The act of Congress prescribed certain parts of the plan and left the other parts to be devised by the Board of Regents. That part of the plan which was embraced in the act of Congress had almost exclusive reference to the diffusion of knowledge. The means which provide for the increase have been supplied by the Regents.

We have been charged with being wildly extravagant—laying out large sums in purchase of old books. A story has been circulated that we paid \$2,500 for an old and rare copy of the Bible. Now, sir, no man loves the Bible more than I do, but I could not have consented to an expenditure of that sort. I dare say no one member of the Board ever dreamed of such an expenditure.

Again, some have charged us with being too utilitarian, confining our operations to an improvement of the physical condition of mankind. We have certainly endeavored in our plan of organization to provide for the entire wants of mankind and to meet the spirit of the age. We have brought into our service a gentleman who stands in the front rank of the science of the country—I mean Professor Henry, formerly of Princeton. His name is well known in Europe, and is associated with that of Faraday, and Arago, and Quetelet. I have before me the plan of organization adopted for the operations of the Institution, to which I desire to call the attention of the House, but which (as Mark Antony said on a much more important occasion about the will of Cæsar)—pardon me, I do not intend to read. I wish every gentleman in the House would read it, for it would receive on all sides a warm and generous support.

I desire to submit a few remarks in regard to our building. We were authorized by Congress to expend \$240,000 in its erection; but, in view of the wide field of knowledge to be cultivated, the Regents resolved to save a part of this sum and add it to the principal. Keeping in view the great interests to be provided for, it was resolved to erect a building of proportions sufficiently ample to meet the requirements of the act of Congress, and of a style which should not offend the eye. This has been effected, a contract has been entered into, and a plan of expenditure agreed upon, which, while the building is gradually constructed, will carry out the plan to full completion, and

at the end of five years from the time of its commencement. So far from having expended the sum appropriated by Congress for the purpose, we shall have after erecting the structure, providing for its warming and ventilation, and the inclosure of the grounds, \$140,000 to return to the principal sum. In the meanwhile we are carrying on the operations of the Institution, stimulating original researches, publishing contributions to science, and gradually increasing our library. At the same time we pay our debts as we go on. This is, of course, accomplished by using the interest on the \$240,000 for the building and the annually accruing interest on the principal fund for meeting the regular expenses of the Institution.

The transactions of the present year are highly interesting, and will soon be published in a volume which will compare well with similar publications in Europe.

With the building, so far as it has gone, all paid for and every debt discharged, we shall have at the end of the year \$10,000 more than we received from Congress.

Is there any necessity for a standing committee of this House? How is the Board of Regents composed? The act of Congress declares that it shall be constituted of the Vice-President of the United States, the Chief Justice of the United States, the mayor of the city of Washington, three members of the Senate, three members of the House of Representatives, together with six other persons not members of Congress. Each House of Congress, it will be perceived, has three members of the Board of Regents, and it is required by law that the Board shall submit to Congress at each session a report of the operations, expenditures, and condition of the institution.

At the last session I presented a full report according to law which I now have before me; it was printed and circulated. Another report is about to be presented embracing the report of the building committee, a paper containing some 300 pages full of useful information which I should be happy to see printed. Is it, then, necessary to appoint a committee? Is it proper? Is it becoming? A committee of this House appointed "to superintend the affairs of the Smithsonian Institution!" This committee will bring under its supervision the Vice-President of the United States, the Chief Justice, three Senators, three Representatives, and six citizens at large selected because of their character and attainments. May I most respectfully ask who will superintend the affairs of that committee of five? Where is the necessity for thus complicating the machinery of an institution which ought to be left to enjoy the repose which science loves.

I hope, sir, that this Institution, so important to this country and to mankind, will not be launched on the ever-heaving sea of politics. If that should happen, we should soon lose sight of land; storms and shipwreck would await us, and the hopes which crowned our noble enterprise in its commencement would perish with us.

I thank the House for the attention with which they have heard these remarks; it evinces the interest which they feel in an institution which claims their protection.

Mr. Hilliard concluded by moving to lay the proposed rule on the table.

Mr. ANDREW JOHNSON said he thought he understood the agreement between the gentleman from Alabama and the gentleman from Pennsylvania to be that this subject should be postponed to a day certain.

Mr. C. J. INGERSOLL. My suggestion was that the consideration of the subject be postponed to any given day which the gentleman from Alabama might name.

Mr. H. W. HILLIARD. I had no choice at all, sir.

Mr. INGERSOLL indicated his wish that the gentleman from Alabama should name the day.

Mr. HILLIARD said he would move, if agreeable to the House, that it be postponed to this day twelve months.

Mr. ANDREW JOHNSON addressed the Chair, and inquired if that motion was not debatable.

The Speaker (Mr. R. C. WINTHROP) replied in the affirmative.

Mr. INGERSOLL suggested to Mr. Hilliard that his understanding was that it should be postponed to some day not distant, when the House could reach and dispose of it.

Mr. HILLIARD said he would withdraw the motion, as he preferred the gentleman from Pennsylvania should make his own motion.

The SPEAKER said the gentleman from Pennsylvania had not the floor to make the motion. The gentleman from Tennessee [Mr. A. Johnson] had taken the floor.

Mr. HILLIARD then remarked that he had been reminded that his pledge was to move a postponement to a day within a reasonable period, and said he would modify his motion so as to name the 3d day of January next.

The SPEAKER said the motion could not be altered without the consent of the gentleman from Tennessee, who had the floor.

Mr. HILLIARD appealed to the gentleman from Tennessee to permit the modification to be made.

Mr. ANDREW JOHNSON had no objection, provided it did not deprive him of the floor.

The motion was accordingly modified by Mr. Hilliard, so as to postpone to the 3d day of January.

Mr. JOHNSON then proceeded in his remarks. He said the gentleman who had just closed his remarks had seen no propriety or necessity for the appointment of this committee. He seemed to think it would be humiliating, and detracting somewhat from the dignity of these individuals—who were called “Regents,” he believed, in the act establishing the Smithsonian Institution—to have their proceedings come under the supervision of a committee of this House. Now, his

[Mr. Johnson's] conceptions about dignity and position in this country were perhaps different from those of the gentleman from Alabama. According to his notions of government this body occupied the highest and most elevated position. In this democratic government it was held that the people are sovereign—the source of all power; this body stands next to the people, next to the sovereignty, and instead of detracting from their dignity he thought it was assigning them their true position. He knew there were some who were really fascinated by that word “Regent,” and the fondness of such things was increasing in our country.

He thought the gentleman from Alabama had demonstrated clearly to this House, in his opposition to the creation of this committee, the necessity of its creation. If all was done well, everything regularly transacted, if the money was judiciously expended, in the name of common reason would it injure or affect their proceedings to be supervised by a committee appointed by this body? Why, the very disposition to shrink from the supervision of a committee appointed by the popular branch of the Government ought to carry conviction to the mind of this House of the necessity of its creation.

He was no prophet, but when the bill was before the House for the establishment of the Smithsonian Institution he had predicted what had already become a matter of fact—that this Institution would be an incubus upon the Treasury, that it would be a perpetual source of expenditure. The clause in Mr. Smithson's will “for the increase and diffusion of knowledge among men” read well, it was true. And the gentleman from Alabama undertook also to prove how great financiers the Board of Regents were, and said after all the improvements are done they would have over \$100,000 left. And how was this done? Why, they had taken \$242,000, supposed to be the interest which had accumulated on this fund, and put that upon interest, having bought Treasury notes, he supposed, on which they were drawing interest; and by this means they had saved an immense sum. Did not every member know who had paid attention to the discussion of this subject when the bill passed placing \$500,000 at the discretion of the Board of Regents that not a dollar of it was there? They first placed a certain amount in the Treasury that did not exist there, and then calculated interest on this fictitious amount and then interest on the interest; which is the way in which they are to carry on their extensive works.

Mr. HILLIARD. Is the gentleman charging that upon the board or this House?

Mr. JOHNSON. Charging what?

Mr. HILLIARD. Why, that a fictitious amount was placed in the Treasury.

Mr. JOHNSON. I was going on to prove the position that this Institution would be an incubus upon the Treasury.

Mr. HILLIARD. But does the gentleman charge the putting this fictitious sum in the Treasury, etc., on the board or on Congress? I wish him to answer on that point.

Mr. JOHNSON. On Congress. The bill of last session placed \$500,000 in the Treasury which was not there in reality. It is true the Government received it; but they acted as a faithful trustee and loaned it out, and not a cent has ever been returned. In this state of the case, Mr. JOHNSON denied that the Government was justly bound to refund the money, and that very few of their constituencies would sanction it. It would have been much better if she had never consented to act as trustee of it; for notwithstanding their flourishing with "Regents," etc., and talking of such a sum as in the Treasury, it was not there, and the expenses of this Institution came out of the Treasury, which was already heavily taxed and burdened with debt to carry on the war. He insisted, now that they had commenced operations, that reports of their proceedings should be regularly laid before a committee of this House who would thus have supervision over them and be a check upon them. Such a restraint was needed in all Government establishments, and there was no reason in this case why this institution should be excepted.

*January 17, 1848—House.*

Mr. ANDREW JOHNSON, of Tennessee, presented resolutions:

*Resolved*, That in addition to the standing committees of this House there shall be one called the Smithsonian Committee, whose duty it shall be to superintend the affairs of the Smithsonian Institution.

*Resolved*, That the report made by the Regents, and accompanying documents, be referred to the Committee on the Smithsonian Institution, whose duty it shall be to examine the same in connection with the original journal and other documents from which they have been made, and report to this House whether, in their opinion, it is necessary to print all or any portion of them, or not; and that said committee be, and is hereby, authorized and required to take into consideration the propriety and expediency of suspending all further operations of the Smithsonian Institution until the Treasury of the United States be relieved from the heavy and pressing burden created by the existing war between the anarchy of Mexico and the American Union. And, further, that said committee be authorized and required to procure the aid of three architects, distinguished in their profession, associated with two responsible and highly reputed scientific practical builders, who shall take into consideration the site, the design, and material of which the present building is composed, and report the result of such examination to this House. And, further, that said committee take into consideration the propriety of so changing and remodelling the present design of the Smithsonian Institution as to convert it into a "university," in the extended sense of the term, including the manual-labor feature, as to embrace agriculture, horticulture, and all the various branches of mechanism, or as many of them as may be deemed practicable and useful to the country.

The Speaker (Mr. R. C. WINTHROP) ruled the resolution out of order.

Mr. JOHNSON moved to suspend the rules that the resolution might be received.

The question was put on suspending the rules, and the motion was disagreed to.

Notices of motions for leave to introduce bills being in order, the following notice was given:

By Mr. JOHNSON, of Tennessee: Of a bill to change the title of an act approved on the 10th day of August, 1846, entitled "An act to establish the Smithsonian Institution for the increase and diffusion of knowledge among men," to that of the "Washington University for the benefit of the indigent children of the District of Columbia," in memory of and out of respect to George Washington, the Father of his Country.

*December 11, 1848—House.*

Mr. ANDREW JOHNSON, of Tennessee, moved to amend the resolution of Mr. Truman Smith, so as to provide for the appointment of a standing committee to be called the Committee on the Smithsonian Institution.

Mr. W. L. GOGGIN rose, and was understood to express his desire to offer an amendment providing that no member should have the right to call the previous question on any proposition presented to the House until the same should have been distinctly stated by the Chair or the Clerk.

Mr. Goggin desired, if in order, to offer this as an amendment to the amendment of the gentleman from Tennessee [Mr. Johnson].

The Speaker (Mr. R. C. WINTHROP) was understood to say that the proposition of the gentleman from Virginia [Mr. Goggin] would be in order after the amendment of the gentleman from Tennessee [Mr. Johnson] had been disposed of. The question now was, on ordering the appointment of an additional committee on the Smithsonian Institution.

The question was accordingly put by the Chair, but before the decision had been announced—

Mr. ANDREW JOHNSON hoped, he said, that the House would adopt his amendment. The subject involved the expenditure of hundreds of thousands of dollars, and he could see no substantial reason why opposition should be made to the appointment of such a committee. The Regents were prepared, as he understood, to make a report. This Congress had the supervision of the fund, and had the appointment of some of its Regents, and he could not see why this body, or incorporation, or Institution, upon which so much money had been expended, should not be reported upon as to its proceedings and conditions to this House. Congress had received the fund and had become responsible for it. They were the trustees. Were they to act before a committee of the House had reported upon the manner in which the funds had been disposed of, and upon other matters of that kind? He was utterly astonished that his amendment should find any opponent on this floor.

Did gentlemen wish to exclude all light upon the subject—to prevent the country receiving such information as it was in their power to give—to keep from public view the facts connected with the expenditure of the money? It was strange that any gentleman should be found willing to say that he did not want a committee which might ascertain all the facts and report them to the country. Various complaints had been made as to the expenditure of the money, the structure of the building, and the material of which it was composed. Were gentlemen willing to exclude all those facts which it was requisite should be known in order to arrive at correct conclusions, and intelligently to direct the future operations of the Institution? If all was going on well, if the building was properly constructed, and the money had been properly expended, let the country understand it. He trusted that the House would adopt his proposition and that a committee would be appointed.

Mr. ROBERT McCLELLAND, of Michigan, said that he was not opposed to the appointment of the committee contemplated by the amendment of the gentleman from Tennessee [Mr. Johnson]. At the same time, if he had no other reasons than those which had been assigned by the gentleman from Tennessee, he (Mr. McClelland) should be radically opposed to such an appointment. Reports had been sent in by the Board of Regents that were very full and ample in regard to all the facts that the people throughout the country could desire to know concerning this Institution. One very full report of all facts touching the Institution had been laid before the House at the last session of Congress. The House had refused to print it. That report, his friend from Tennessee [Mr. Johnson] would find, had set forth, in a simple and lucid manner, everything connected with the Institution since its organization—everything that had been done under the law passed by Congress down to that time. He (Mr. McClelland), for one, as a member of the Board of Regents, would say that it was not afraid of any investigation by a committee of this House or otherwise. He would go as far as any reasonable man in favor of economy and retrenchment; and he would say that the Board of Regents, so far as his knowledge extended, had acted upon both these principles in every step they had taken. He was astonished, on entering upon his official duties, to find that almost every report which had been put in circulation in regard to the Institution was entirely false and groundless. He hoped that every gentleman here who was a friend to the Institution would permit a committee to be appointed, and that it might be composed of members who were radically opposed to the Institution, so that no barrier should be interposed to the most rigorous and searching scrutiny. And (continued Mr. McClelland) if that committee shall give to the country such a report as I know they will give, for none other can they make, the effect will be to raise the Institu-

tion to a higher point in public estimation than any which it has ever yet attained.

Mr. H. W. HILLIARD rose, as a member of the Board of Regents in this House, to make no opposition to the amendment of the gentleman from Tennessee, if it should be the deliberate opinion of the House that such a committee should be appointed. But he wished the House to mark the spirit in which the motion was made. When the report was brought forward by him (Mr. Hilliard) from the Board of Regents of the Smithsonian Institution, at the last session of Congress, and a motion was made to print it, the gentleman from Tennessee was the very one who interposed his objection to the printing. They had been reproached with not being willing to exhibit their doings to the country. It had been said that there had been improper expenditures of money, an indiscreet distribution of funds authorized by them. Here was an ample report setting forth all the facts, making everything plain, and when he had moved the printing of the report, for the information of the country, to his amazement that very gentleman objected to the printing on the simple ground of expense. But now the gentleman came forward with a proposition to form a standing committee whose business it should be to supervise the action of the three members of this House and the three members of the Senate who were already charged with directing the affairs of this Institution. He should offer no objections to the proposition; he left it to the taste and judgment of the House. For one, he gave way, and yielded any objections which he had hitherto offered to the proposition.

Mr. ANDREW JOHNSON, of Tennessee, said the gentleman from Alabama seemed to have stepped off upon the wrong track when he said that the simple objection which he (Mr. Johnson) had had to the printing at the last session of Congress was that it would involve an expenditure of money.

Mr. HILLIARD (in his seat) said he had so understood it.

Mr. JOHNSON continued. The gentleman from Alabama had wholly misconceived his opposition to the printing of this report at the last session of Congress. It would be remembered by the gentleman from Alabama and by the whole House that he (Mr. Johnson) was striving the whole session, that he had made effort after effort, to procure the appointment of a committee before this report should be printed, that they might ascertain whether this was the report which should be printed or not. This was the objection he had to the printing of the report. He wanted it referred to a committee, with instructions to inquire into the expediency of printing this report, and also of printing a work which they desired to have printed upon architecture—a kind of mongrel report prepared by some of the Regents. He wanted a committee appointed to inquire into all the facts about the Institu-

tion, and to report them to this House, as well as to inquire into the expediency of printing this long, voluminous report of the Regents.

Mr. HILLIARD said he believed he had understood the gentleman's remarks correctly, so far as his objections went to the expenses of the printing. The gentleman now chose to assume other ground, that he desired to examine whether it was such a report as the House ought to receive. Now, it would have been far better for the gentleman to have allowed it to be printed, and then this House would have been better enabled at this session to ascertain the fact whether it was such a report as they would receive.

But there was no concealing the fact that the spirit in which the gentleman made his motion did not grow out of any desire to have the affairs of this Institution better conducted, or to make its action more efficient, or to relieve it of a single burden, but, on the contrary, from the uncompromising hostility which the gentleman from Tennessee and a few others—he was happy to say they were but few—felt against this Institution. The gentlemen would be for destroying its organization, for razing its structure to the very foundations, and for returning to the British Government, or to the trustees of the donor, the munificent sum which had been received from that quarter. He asked the gentleman if it was not so and if he was not opposed to any use whatever being made of the fund for the establishment of an institution in this country called the Smithsonian Institution.

Mr. JOHNSON said as the question had been asked him he would very cheerfully answer it. The gentleman wanted to know if his hostility was not fixed to this Institution.

Mr. TRUMAN SMITH, of Connecticut, rose to a question of order. He wished to know of the Speaker whether it was in order to discuss the general merits of the Smithsonian Institution upon a mere proposition to appoint a committee.

The SPEAKER replied that the House had adopted no rules of proceeding, and that the parliamentary law allowed a very wide range of debate.

Mr. JOHNSON proceeded in his explanation. He was satisfied that the gentleman from Alabama with no unkind spirit asked if he (Mr. Johnson) was not fixed in his hostility to the very organization of this Institution. He could inform the gentleman from Alabama that he misconceived his relation to the Smithsonian Institution. He had no fixed hostility to it. The hostility (if it could be so called)—the opposition which he had to this Institution—rested upon other and different grounds from a mere hostility to the design of such an institution. One of the principal reasons why he wanted this committee appointed was not out of opposition to the Smithsonian Institution; but, taking into consideration the peculiar crisis of the country at that time, and the continuation of that crisis at this time, and the burdens which this

Institution was imposing upon the Government, he wished to see its affairs thoroughly investigated and brought before the public. That this fund had been received from the United States; that the United States had discharged its duty as trustee with fidelity; that this fund had been sunk and lost—these were all true; and, according to his construction of the Constitution and of the duties of a trustee, he considered that the Government was exonerated from any further responsibility in connection with this fund. It was well known that the original fund had been lost, and it was known, too, that the law establishing the Smithsonian Institution took the money out of the Treasury of the Government—out of the people's pocket. When the Smithsonian Institution was founded every dollar of the money received from Mr. Smithson was gone—not a dollar of it was available. He had opposed an institution of this kind being established with funds taken out of the Treasury; not that he was opposed to an institution established upon the Smithsonian fund—not that he disapproved of the object of the donor—but he was opposed in time of war, when we were incurring a very heavy public debt, to going into the Treasury and establishing an institution of this description, at an expense to the people of some five or six hundred thousand dollars.

Another reason was that he believed under the law itself the money had been improperly withdrawn from the Treasury of the United States. The House had been informed by the able and eloquent gentleman from Alabama that the Regents had withdrawn money from the Treasury to the amount of \$242,000, and by an extraordinary process of financiering were doubling and compounding it. They had been informed also that none of the principal had been expended. How had this been done? Why, when the law was passed every gentleman here at all familiar with the subject knew that this fund was gone—that not one dollar of it was left. He had the documents before him to show that this was the fact. But the law placed that in the Treasury which was not there; it was a legal fiction. It said that a certain amount had been placed in the Treasury in 1836 and had remained there and been drawing interest from 1836, and that the interest on that sum (which was not in the Treasury) was \$242,000; and this amount was appropriated to the erection of this institution called the Smithsonian Institution. He had believed it wrong; he still believed it so. But under this law how this amount of money had been drawn out of the Treasury he had never been able to ascertain. He was in hope, now that a running discussion had arisen on the subject, that they would be informed how this large amount of money had been drawn out of the Treasury. He could find no authority for it in the act establishing the Institution—no authority for drawing out of the Treasury this large amount of money and placing it in the hands of their secretary, or at interest, or making any other disposition of it.

The reason why he had opposed the printing of this report at the last session, and proposed the appointment of a committee, was that there were rumors about the city in relation to the contract for erecting the buildings; it had been charged that there had been bribery going on; cards had been published that there was maladministration in all these matters; that there was corruption in the very incipency of this Institution. They had been told that the building was bad, that the materials furnished were perishable, while he understood it was the design of the donor to have it made fireproof—a substantial, enduring building. He wanted all these facts ascertained. Let the committee take the whole matter under their charge and report the facts, and let the House and the country determine whether it was all right or not.

He referred, as another objection, to the question of the incompatibility, under the Constitution, of the same individuals holding at the same time the office of members of Congress, drawing per diem and mileage as such, and the office of Regents of this Institution, drawing also mileage and expenses from it—expenses which, when they came to look into these reports, they saw were extraordinary.

The gentleman had gravely charged that he had manifested hostility to the institution. Suppose he had; suppose he was determined to oppose it in every mood and tense; why, if the Institution was right—if the object of the individual who gave the money was being carried out—in the name of common sense, would not a committee, by their investigation, convince the House and the country that his objections were not well founded, if such was the fact? Would not such investigation put the Institution and the Regents on a better, a more enduring foundation? Then let them have a committee. If the Institution was right—if the Regents were carrying out the design of James Smithson—let it be ascertained by the committee and be published to the House and the country.

Mr. H. W. HILLIARD resumed. The gentleman now said he had no hostility to the Institution. And how did he prove it? Why, he said they had put a fictitious sum into the Treasury, and therefore he would repeal the law and replace the money in the Treasury. It was well known that this Government had received the fund from the trustees of James Smithson as a sacred trust. The Government had thought proper to loan the money to the State of Arkansas, he believed. The money had been squandered, and now the gentleman from Tennessee was opposed to the use of a single dollar by the Smithsonian Institution until the State of Arkansas was made to refund the money. Was he not opposed to the Institution, and was not the very object of his motion to uproot the whole establishment, on the ground that the Government had loaned the money to the State of Arkansas and that it had never been returned? By every moral, by every equitable con-

sideration, the Government, having loaned and lost the money, was bound to make good the trust. Therefore, when the Government had thought proper to make the establishment, it had authorized the Regents in proper form to draw the money bequeathed by James Smithson. It was in this way that the money had been taken; and because they had thought proper to make a judicious use of it from time to time they were arraigned by the gentleman as having squandered the funds. Let him agree to have the report published, and he would find that it gave a full account of what they had done.

But the gentleman had said it was a crisis. It had been a long crisis. Thank heaven, the crisis to which the gentleman referred had passed away. The gentleman's allusion to the war reminded him of the apology always offered by the steward in the *Bride of Lammermoor*, who always accounted for the absence of articles of luxury about the castle of his master on the ground that there had been a great fire there; and now the gentleman would put down every appropriation, whether for new objects or to maintain a great existing establishment, by the cry, "the war, the war." He thanked heaven the war was at an end. He thanked heaven peace had come in our time, and he trusted that if there had been much treasure squandered in war, this establishment, so sublime in its design, so magnificent in its conception, was not to share in the calamities of war. His objection to the gentleman's scheme was that it would launch the Institution on a political sea. Leave the superintendence of the establishment to the Board of Regents, of whom three were members of the House and three members of the Senate, and who in some sense constituted a committee of Congress, and leave to them to report upon the state of its affairs from time to time. If their fidelity and discretion could not be confided in, then we had fallen on evil times. But he would not oppose the motion. He would leave it to the judgment of the House to dispose of.

Mr. TRUMAN SMITH, of Connecticut, thought this proposition altogether premature. He had offered a resolution in the ordinary form—a resolution which really ought to have been offered early last week—for the adoption of the ordinary rules and orders of the House, and had connected with this a proposition, as at the last session of Congress, to raise a committee to revise and report upon the rules from time to time. If this resolution as offered should pass, then they would have a committee upon the rules and orders of the House, and the gentleman from Tennessee could then offer his proposition and refer it to that committee, who would take such action upon it as they might deem proper. He was now very apprehensive that there was to be no end to this discussion, and no end to their efforts to amend the rules, if they were to favor propositions of this character at all, and he desired to ask of the Chair whether it was competent for him to move the previous question.

The **SPEAKER** replied that the previous question might be moved; but the question of the amendment, having been first moved, must be first put.

Mr. **SMITH** inquired, in case the previous question was sustained, if it did not cut off the amendment?

The **SPEAKER** said the previous question could not be put until after the question was taken on the amendment; and he read from the manual on this point.

Mr. **SMITH**. If the previous question is moved, does it stop debate on this proposition?

The **SPEAKER** replied in the negative, but said he would regard the previous question as moved, so that when this amendment was disposed of no other could be moved, and then no debate could arise except upon the previous question, the previous question being debatable under the parliamentary law.

Mr. **HUGH WHITE** inquired, in case this resolution was adopted, if it did not place all the bills and resolutions, etc., on the calendar as they were at the close of the last session—if it did not leave the House precisely in the position in which they were at the close of the last session.

The **SPEAKER** replied in the affirmative.

Mr. **WHITE** said, then, that a proposition of this character had been referred to the Committee on Rules, and remained unacted on. He wished to know whether it would not be competent to reach it in the ordinary way; and whether there was, therefore, any necessity for the adoption of the amendment of the gentleman from Tennessee.

Mr. **GEORGE P. MARSH** said he did not rise for the purpose of impugning or defending the conduct of the Board of Regents, or even for the purpose of entering into the discussion of the merits of this motion, but simply that it might not be inferred from his silence that any member of the board in this House was opposed to the adoption of the resolution. On the contrary, he was now, and had been from the time it was offered at the last session, decidedly in favor of its adoption. He was satisfied, from what he had seen of the management of this Institution, that a committee such as was proposed by the gentleman from Tennessee would serve as a most wholesome and necessary check upon the proceedings of this Institution. He believed that the Board of Regents would be, and ought to have been long since, made acquainted with its direct responsibility to the power which created it.

Mr. **R. B. RHETT**, of South Carolina, said, for the reasons which the gentleman from Vermont had assigned, he trusted a committee would not be appointed. He wanted no such direct responsibility as the gentleman had spoken of. He was opposed to any connection of the Government with this Institution; and he would suggest to the

gentleman from Tennessee that his establishment of a standing committee was the very method of all others which was to give permanency to this Institution, and attach it forever to the Government. The only way to get rid of it was to let all the money be paid over to these gentlemen—the Regents, and the Government cut themselves loose from it entirely. He was opposed to any committee, standing or otherwise, which set up a Congressional supervision over the Regents of this Institution, or over the Institution itself. He hoped, therefore, unless the House was determined to carry on this connection, to perpetuate it, and be responsible for the acts of this Institution, that this committee would not be appointed. On the contrary, if the Regents thought proper, let the whole money be paid over to them, and the Government be cut off entirely from all responsibility or connection with it.

Mr. ROBERT W. JOHNSON, of Arkansas, said he would take the liberty of making a remark here for the purpose of setting himself and the State which he had the honor to represent in some degree right, in reference to this Smithsonian fund. The gentleman from Alabama had said that the State of Arkansas had squandered all this fund. Now, whether it was any enjoyment to the gentleman to assail his (Mr. Johnson's) State——

Mr. H. W. HILLIARD explained, disclaiming the slightest intention to assail the gentleman's State, and saying that he had merely spoken of the money as being lost or squandered by the General Government.

Mr. JOHNSON, of Arkansas, said the gentleman ought to have been aware of the fact that he might wound the feelings of some persons on the floor in his rather loose and general style of speaking. He had heard those who did not like some of the Yankees damn them all as a class. He never thought they did exactly right to damn every Yankee because they disliked some few whom they had met. There were some very clever gentlemen amongst them; he wished there were as good elsewhere.

Now, he wished to say a few words in regard to his State and this fund. The gentleman had said the whole of this Smithsonian legacy had been squandered by the State of Arkansas. Squandered—how? Did the gentleman know anything about the disposal of this money by the State of Arkansas? If he did, he knew that it had been lost by the adoption by that State of his loved system—the banking system.

He wished to state, in order that his State might stand free from any unjust charge here, that there was not within the limits of that State, and never had been, a respectable party, known as a party, who would repudiate the first dollar of the debt she owed. If there were such persons, he could only pledge himself, as an humble individual, that he would always fight them. Small as she was, insignificant as she was, there was no man within her limits who could live a political

life for one day and espouse such a doctrine. What was her condition? She was poor; her population was small; the taxes upon her people would be increased beyond human endurance if they were put on to pay this debt at once. She was growing; she had natural resources, great and extensive; give them time to be developed and she would pay this debt and every other debt she owed. He believed it, before God.

But in the account between the United States and the State of Arkansas the debt was not altogether on the side of the latter. It had used to be a matter of jest with his predecessor—a proud and honorable man, whose post he could never fill—that whenever the United States would settle, then Arkansas would settle too. There was, nevertheless, a great deal of truth in this. The whole percentage on the sales of the public lands which belonged to that State had been reserved by the Government—for what? To apply toward the payment of this Smithsonian fund. What the amount was he did not know. He hoped there would be enough to pay the interest; he would like it if there was enough to pay the principal too; there might not be enough for either. But that that State would come up to the mark and fully pay all her debts, both principal and interest, whenever she was able to do so, he assured the gentleman from Alabama and the country. He hoped the gentleman would not further attack the State in general; he would rather he would attack him. He did hope they would hear no more of this general denunciation—as far, at least, as the State of Arkansas was concerned. He did not care if the gentleman attacked Alabama, or any other State, with the consent of those who were to defend her; but let him not jump upon his State because she was small! Why, gentlemen of magnanimity ought to be ashamed of themselves for such a course.

He was against this amendment because this business was already placed in the hands of honorable men, the Regents of the Institution, who were fully competent to discharge the duty assigned to them; and furthermore, because they were amply severe upon the State of Arkansas, from the experience he had had with them, without other men being added to them.

Mr. H. W. HILLIARD rose simply for the purpose of disclaiming any intention in the remarks he had made to assail the State of Arkansas.

Mr. ABRAHAM R. MCILVAINE rose, and was understood to intimate his desire to move an amendment. But it was not now in order.

The question was thereupon taken on the amendment of Mr. Johnson, of Tennessee, and was decided in the negative.

So the amendment was rejected.

The demand for the previous question was then seconded and the main question was ordered to be put; and under its operation the resolution of Mr. Truman Smith was adopted.

*December 12, 1848—House.*

The Speaker (Mr. R. C. WINTHROP) announced the call for petitions to be in order, and the call having reached the State of Louisiana—

Mr. ISAAC H. MORSE observed that he did not rise to present a petition from the State of Louisiana, but to a privileged question, and he asked the attention of the House for a few moments. It was to the reconsideration of the vote on that part of the resolution for the adoption of the rules of the House which rejected the application for a commission on the Smithsonian Institution. He thought, without entering into any argument on this subject, that the House would see the propriety of appointing a committee, in order to meet the views expressed by the gentleman from Vermont (Mr. Marsh), as well as by the gentleman from South Carolina (Mr. Rhett). And he had no doubt that those of their friends on this side of the House who desired to terminate all connection between the Government and this Institution would see as well the propriety of submitting this matter to a committee who would be authorized, without further instruction, to examine and see whether it would not be better, and whether it would not be carrying out the trust which the Government had solemnly accepted from the late James Smithson, to hand over all the moneys which had been received by the United States to an incorporated body, who should have the sole charge of the funds arising from this legacy. Such of the gentlemen on the other side of the House as thought the affairs of the Institution would be better managed under the surveillance of a committee must be of the opinion that it would be well to bring to the knowledge of the House the true, exact state of that Institution. It was true a very elaborate, a very able report had been made by the Regents; but it was an *ex parte* report, so far as the interests of this country and the House were concerned. Let a committee be appointed of capable men who should take the matter into consideration, and see whether the ends of the donor would be best carried out by keeping it under the control of this Government, or whether they would not faithfully discharge their trust, after having passed a law for the erection of suitable buildings, by disembarassing the Government and the House from all connection with the Institution. He held it to be a responsible duty which this House had taken upon itself, and whatever might have been the opinion of gentlemen on this side of the House as to the propriety of accepting the legacy, it was now too late to interpose any objections on that score. The two Houses of Congress were under solemn obligation faithfully to discharge the duty which, as the trustees of the people of the United States and of James Smithson, they had undertaken; and that duty could only be discharged by referring the matter to a committee, impartial in its character, capable of examining, who should report the facts to this House as to the future conduct of this Institution.

He was not disposed to commit himself now to either course, whether he should be in favor of continuing the connection of this Institution with the Government or not, or whether he could see his way clear to disembarass the Government from any further connection with it. He merely threw out the suggestion that if a committee of gentlemen on this floor should show them, should indicate clearly, that this could be done, then he apprehended there was no gentleman who would not be willing to leave it in the hands of the gentlemen who should have charge of this Institution. The bill which established this Smithsonian Institution had passed hastily without having undergone the surveillance of any committee. It was true a distinguished gentleman had made an elaborate report from a committee appointed on this subject, accompanied by a bill, but the House would recollect that that report was rejected, and a substitute, offered by a gentleman from New York (Mr. Hough), which embodied some amendments offered by himself (Mr. Morse) and by other gentlemen, was passed, and became the act under which the Institution was at present organized. That act was imperfect in itself. His objection to it was, that so far as this House at least was concerned, it was very little discussed, very little debated. He held that Congress could not be true to its trust unless once in a year or two (if they were to continue the management of the Institution) they authorized and delegated a part of their body to examine and report all the facts of the case. He did not desire to take a position either with his friend from Vermont or his friend from South Carolina, but he did desire that this House and the country at large should be possessed of all the facts in relation to the disbursement and management of the large amount of money left by this gentleman, and committed to them as trustees, and the committee might suggest some plan better calculated to carry out the views of the distinguished donor than this hasty, imperfect act which they had passed.

With these views he moved a reconsideration of the vote by which the amendment of the gentleman from Tennessee (Mr. Johnson) was rejected.

The SPEAKER said it would be necessary first to move to reconsider the adoption of the resolution, and announced the question accordingly.

Mr. JAMES POLLOCK moved to lay the motion to reconsider on the table, which was agreed to—yeas, 107; nays, 76; as follows:

YEAS—Messrs. Abbott, Adams, Ashmun, Atkinson, Barringer, Bayly, Beale, Belcher, Blackmar, Blanchard, Botts, Boydon, Wm. G. Brown, Butler, Canby, Chapman, Clingman, Cocke, Collamer, Conger, Cranston, Crowell, Dickey, Donnell, Garnett, Duncan, Dunn, Eckert, Alexander Evans, Nathan Evans, Faran, Farrelly, Fisher, Fournoy, Fulton, Gentry, Giddings, Goggin, Gott, Green, Greeley, Gregory, Grinnell, Hale, Willard P. Hall, Nathan K. Hall, James G. Hampton, Moses Hampton, Henry, Isaac E. Holmes, Hubbard, Hunt, Charles J. Ingersoll, Jenkins, James H. Johnson, George W. Jones, John W. Jones, Daniel P. King, William T. Lawrence, Leffler, Ligon, Lincoln, Lumpkin, McIlvaine, McKay, McLane, Marvin, Morehead, Mullin, Mur-

phy, Nelson, Nes, Nicoll, Outlaw, Peck, Pollock, Preston, Putnam, Rhett, Julius Rockwell, John A. Rockwell, Rumsey, St. John, Shepperd, Sherrill, Silvester, Slingerland, Caleb B. Smith, Truman Smith, Stanton, Stephens, Strohm, Strong, Tallmadge, Taylor, Thibodeaux, Thomas, James Thompson, R. W. Thompson, Robert A. Thompson, Tompkins, Van Dyke, Wallace, Warren, White, Wick, and Wilson—107.

NAYS—Messrs. Bedinger, Bingham, Boccock, Bowdon, Brady, Brodhead, Charles Brown, Albert G. Brown, Buckner, Cathcart, Clapp, Franklin Clark, Howell Cobb, Williamson R. W. Cobb, Crozier, Cummins, Daniel, Darling, Dickinson, Dixon, Duer, Edwards, Embree, Featherston, Ficklin, Freedley, French, Fries, Gaines, Hammons, Haralson, Harris, Hill, Elias B. Holmes, Inge, Irvin, Iverson, Kaufman, Kellogg, Kennon, Lahm, La Sere, Sidney Lawrence, Levin, Lord, Lynde, Maclay, Job Mann, Marsh, Miller, Morris, Morse, Palfrey, Peasley, Phelps, Richardson, Richey, Robinson, Rockhill, Root, Sawyer, Smart, Robert Smith, Starkweather, Charles E. Stuart, Jacob Thompson, John B. Thompson, William Thompson, Thurston, Tuck, Venable, Vinton, Wentworth, Wiley, Williams, and Woodward—76.

So the motion to reconsider was laid on the table.

#### APPOINTMENT OF REGENTS.

*By the Vice-President.*

*December 30, 1847—Senate.*

On motion of Mr. SIDNEY BREESE, it was

*Ordered*, That a member be appointed by the Vice-President to fill the vacancy in the Board of Regents, occasioned by the resignation of the Hon. Lewis Cass.

Jefferson Davis, of Mississippi, was appointed by the Vice-President.

#### APPOINTMENT OF REGENTS.

*By the Speaker.*

*December 22, 1847—House.*

The Speaker (Mr. R. C. WINTHROP) reappointed Henry W. Hiliard, of Alabama, a regent of the said Institution; and appointed George P. Marsh, of Vermont, and Robert McClelland, of Michigan, to the Board of Regents on the part of the House, in the place of W. J. Hough and R. D. Owen, whose terms had expired.

#### APPOINTMENT OF REGENTS.

*By joint resolution.*

*March 4, 1848—Senate.*

Mr. JEFFERSON DAVIS, of Mississippi, on leave, introduced a joint resolution appointing regents of the Smithsonian Institution. Referred to the Committee on the Library.

*December 11, 1848—Senate.*

Mr. JEFFERSON DAVIS, of Mississippi, on leave, introduced joint resolution:

*Resolved, etc.*, That the vacancies in the Board of Regents of the Smithsonian Institution, of the class "other than members of Congress," be filled by the reappointment of the late incumbents, viz: Rufus Choate, of Massachusetts, and Gideon Hawley, of New York.

Mr. DAVIS explained the necessity for the immediate passage of the resolution, as a meeting of the Regents would take place on Wednesday, and it was important that the Board should be fully organized.

Passed.

*December 11, 1848—House.*

The joint resolution of the Senate for the appointment of Regents in the Smithsonian Institution was taken up and passed.

*December 19, 1848.*

*Resolved, etc.,* That the vacancies in the Board of Regents of the Smithsonian Institution, of the class "other than members of Congress," be filled by the reappointment of the late incumbents, viz: Rufus Choate, of Massachusetts, and Gideon Hawley, of New York.

(Stat. IX, 417.)

#### REPORT OF THE SMITHSONIAN INSTITUTION.

*January 5, 1848—House.*

The Speaker (Mr. R. C. WINTHROP) laid before the House a report from the Regents of the Smithsonian Institution, showing the operations, expenditures, and condition of that Institution for the past year.

Mr. JOHN W. HOUSTON, of Delaware, moved to lay the report on the table, and that it be printed.

Mr. ANDREW JOHNSON, of Tennessee, called for a division of the question, so as to take the question separately on each branch of the motion.

The question was divided accordingly, and the report was ordered to be laid on the table. The question then recurring on the motion to print—

Mr. JOHNSON, of Tennessee, opposed the printing at present. The House saw, in the proposition to print this cumbrous document, a beginning of what had been anticipated by some who were opposed to this Institution. Here was a long report, accompanied by many documents, and this House was called upon to print them, and he expected they would have a proposition soon to print an extra number. It was true the law establishing this Institution provides that the Regents should make a report to the House, but before this report was printed, before an order to print was made, the Committee on the Smithsonian Institution ought to be established and ought to report to the House the propriety of having this report and the accompanying documents printed.

Perhaps it might be considered by some, as he from the beginning had opposed this Institution, that he had some personal dislike to those connected with it, or that he was operated upon from some other unworthy consideration, that produced his opposition to it. He availed himself of this occasion to disavow anything of this kind. He wanted this committee established; he wanted everything connected with this

Institution referred to this committee. Let that committee report the result of their investigation to this House.

But while he was upon the floor, there were some other things to which he would advert, for it was very difficult for him to get the floor here on any given subject. He had had the honor of making a few remarks the other day upon the resolution providing for the establishment of a committee upon the Smithsonian Institution; but before he had concluded his remarks the House adjourned, and the resolution had laid over from that day. The whole thing was left in the fog, and no one could tell when it would be reached again.

He had no personal hostility to this Institution. He appreciated and approved the design of the donor. He thought the motives and intentions of Mr. Smithson were good; but this thing had received an improper direction, and was already beginning, as he had remarked, to result in a large annual expenditure to this Government, and Congress were called upon to appropriate sum after sum for printing and for other expenses in getting up this Institution, which was to result in no good to the Government or the country. What good could result from this Institution, with its peculiar organization? Why, it would have been much better, and would no doubt have fulfilled the good intentions and motives of the man's heart, had he bequeathed this sum to the United States to be expended in erecting schoolhouses of some description in this District, and in the districts throughout the country, in which the common children of the country could be educated. It would have been diffusing knowledge among men more profitably, more in accordance with the design of the donor. But what good has this Institution done, as now organized?

*June 1, 1848—Senate.*

On motion of Mr. JEFFERSON DAVIS, of Mississippi,

*Resolved*, That one thousand additional copies of the report of the Regents of the Smithsonian Institution be printed for the use of the Senate.

*July 7, 1848—Senate.*

On motion of Mr. JAMES A. PEARCE,

*Resolved*, That one hundred and fifty copies of the report of the Regents of the Smithsonian Institution, printed for the use of the Senate, be furnished to the Secretary of the Institution, for the use of said Institution.

*February 19, 1849—House.*

Mr. H. W. HILLIARD presented a report of the Board of Regents of the Smithsonian Institution, showing the operations, expenditures, and condition of that Institution to the present time. Laid on the table, and ordered to be printed.

*February 22, 1849—Senate.*

Mr. JAMES M. MASON presented the annual report of the Regents of the Smithsonian Institution; and moved that one thousand copies be printed for the use of the Senate. Agreed to.

II. Doc. 732—30

## AMENDMENT TO ACT OF ORGANIZATION.

*March 13, 1848—House.*

Mr. ELISHA EMBREE offered the following preamble and resolution:

Whereas James Smithson, esq., by his last will and testament, having given the whole of his property, now amounting to more than \$700,000, to the United States to found an establishment for the increase and diffusion of knowledge among men, and Congress, to carry out the liberal designs of the donor, having passed an act entitled "An act to establish the Smithsonian Institution for the increase and diffusion of knowledge among men," approved August 10, 1846; and whereas officers have been appointed under said act and are proceeding to erect a building which, with the improvements attached, according to their estimate, is to cost about \$250,000; and said officers are about to establish in said building, with the funds of the Institution, a library to contain 100,000 volumes, a museum on a large scale, a chemical laboratory, lecture rooms for the purpose of delivering lectures, and a gallery of art; and whereas all of said objects are local in their nature and confined to the city of Washington and its vicinity, when the design of the liberal donor was not only the increase of knowledge but the diffusion of it amongst men for the general good; and whereas said act provides "that there is reserved to Congress the right of altering or amending, adding to, or repealing any of the provisions of this act:" Therefore be it

*Resolved*, That the Committee of the Library inquire into the expediency of so changing and modifying said act as to establish a department in said Institution for the purpose of collecting and arranging information on agriculture, common-school education, political economy, and the useful arts and sciences; which information, together with the useful lectures that may be delivered in said Institution, shall be published and circulated gratuitously among the people, so as to carry out the design of the testator in diffusing useful knowledge amongst men, and that said committee report by bill or otherwise.

Adopted.

*August 8, 1848—House.*

Mr. W. C. PRESTON, from the Committee on the Library, to which was referred the resolution of the House of March 13, 1848, relative to the Smithsonian Institution, reported the following resolutions:

*Resolved*, That it is inexpedient to change and modify the act establishing the Smithsonian Institution in the manner proposed in said resolution.

*Resolved*, That the committee be discharged from the further consideration of said resolution, and that it be laid upon the table.

Agreed to.

## INTERNATIONAL EXCHANGES.

*June 26, 1848.*

*Be it enacted, etc.*, That the joint committee on the Library shall appoint such agents as they may from time to time deem requisite, to carry into effect the donation and exchange of such documents and other publications as have been, or shall be, placed at their disposal for the purpose.

SEC. 2. *And be it further enacted*, That all books transmitted through such agents for the use of the government of the United States, or of any government of a State or of its legislature, or of any department of the government of the United States or of a State, or of the Academy

at West Point, or of the National Institute, shall be admitted into the United States duty free.

SEC. 3. *And be it further enacted*, That the sum of \$2,000 is hereby appropriated, out of any money in the treasury not otherwise appropriated; and the same is put at the disposal of the Library Committee, for the purpose of carrying into effect such agency and donation, and exchange, and of paying the expenses already incurred in relation thereto.

(Stat., IX., 240.)

*June 30, 1848.*

*Resolved, etc.*, That the Secretary of State be directed to furnish to Alexandre Vattemare one complete series of the standard weights and measures of the United States, now in the Department of State, to be presented to the government of France; and that he furnish to the Joint Committee on the Library twenty-five copies of the revolutionary archives, and an equal number of copies of Little and Brown's edition of the Laws of the United States, to be disposed of by them for the purposes of international exchange.

SEC. 2. *And be it further resolved*, That seven copies of the works of the exploring expedition now published, and an equal number of such of the works of the same as may hereafter be published, be placed at the disposal of the Joint Library Committee of Congress for the purposes of international exchange.

(Stat., IX, 336.)

#### EXPLORING EXPEDITION.

*August 12, 1848.*

Civil and diplomatic act for 1849.

For continuing the publication of the works of the exploring expedition, including the printing of the charts, the pay of the scientific corps, salary of the horticulturist, and care of the collection, \$30,753.

(Stat., IX, 297.)

*February 1, 1849.*

*Be it enacted, etc.*, That the proper accounting officers of the Treasury Department be authorized and directed, in the settlements of the accounts of the forward officers of the late Exploring Expedition, under the command of Charles Wilkes, esquire, to allow them the extra pay of \$250 per annum, credited to said officers on the pay rolls rendered on the arrival of said expedition in the United States, agreeably to the direction of said commander.

SEC. 2. *And be it further enacted*, That the accounting officers of the Treasury be, and they are hereby, authorized and directed, in the settlement of the accounts of Lieutenant Cadwallader Ringgold, late commanding the United States brig Porpoise, attached to the Exploring Expedition, to allow and credit him in the extra pay for scientific duties, at the rate of \$1,000 per annum, and upon the principle applied

to the accounts of Lieutenant W. L. Hudson, then commanding the United States sloop Peacock, attached to said expedition.

(Stat., IX, 344.)

*March 2, 1849.*

*Resolved, etc.,* That the librarian of Congress be, and is hereby, directed to procure and deliver to the Secretary of State two copies of volumes six and seven of the Narrative of the Exploring Expedition under Captain Wilkes; and the Secretary of State is hereby directed to deliver them to the government of Russia in lieu of those heretofore delivered, which were lost at sea on their passage to Russia; and that the cost of the same be paid out of the funds heretofore appropriated to the publication of the works of the Exploring Expedition.

SEC. 2. *And be it further resolved,* That the librarian of Congress deliver one copy of the works of the Exploring Expedition, as they shall be completed, to the Secretary of State, to be presented by him to the government of Ecuador.

(Stat. IX, 418.)

*March 3, 1849.*

Civil and diplomatic act, 1850.

For continuing the publication of the works of the exploring expedition, including the salary of the horticulturist, and addition to the greenhouse, \$15,000.

(Stat. IX, 365.)

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### THIRTY-FIRST CONGRESS, 1849-1851.

#### EXPLORING EXPEDITION.

*February 20, 1850.*

*Resolved, etc.,* That of the thirty-seven copies of the Narrative and Scientific works of the Exploring Expedition, deposited and to be deposited in the library of Congress one copy shall be presented to each of the Territories of Oregon, Minnesota, and such other Territories as may be hereafter organized by act of Congress, to belong to the Territorial libraries of such Territories, respectively, and to stand in the place of the copy each of those Territories would be entitled to receive upon being admitted into the Union as a State.

(Stat. IX, 561.)

*September 30, 1850.*

Civil and diplomatic act for 1851.

For continuing the publication of the works of the Exploring Expedition, including the printing of the charts, the pay of the scientific corps, salary of the horticulturist, and care of the collections, \$25,000.

(Stat. IX, 543.)

*February 24, 1851—House.*

Mr. JACOB THOMPSON, of Mississippi, moved an amendment to the clause appropriating money for the purchase of books for the Library of Congress, viz:

To enable the Smithsonian Institution to publish a new edition of Wilkes' Narrative and the accompanying series of papers, the plates and engravings of which have been made at the expense of the United States, be, and they are hereby, ordered to be delivered over to the said Institution, to be used for that purpose.

He said that as these plates were valuable and the Congress of the United States did not propose to use them, he should be glad that some use might be made of them. It appeared to him that the Smithsonian Institution was as proper a party to whom to intrust these plates for publication as any. Congress had already provided for the distribution of books published by that Institution. He (Mr. Thompson) did not wish that they should be published and distributed among members, but as it was really a valuable work and a new edition was called for, he thought it was proper that the publication should be intrusted to the Smithsonian Institution.

Mr. JOHN WENTWORTH (interposing) said that he thought that it was quite proper that copies of the work should be distributed among members of Congress. He would therefore ask the gentleman from Mississippi to modify his amendment so as to furnish each member of Congress with a copy of Wilkes' Exploring Expedition. He had been a member of that body eight years, and although he had received copies of other works, he had never received a copy of this, nor had he ever heard of other members receiving copies.

Mr. JACOB THOMPSON stated that only about one hundred copies had been published.

Mr. WENTWORTH said that he was entirely opposed to the amendment unless modified as he had indicated.

Mr. THOMPSON wished to explain that the original resolution provided for the publication of only one hundred copies. There was a great demand for the work, and it was desirable to have copies that might be furnished to different foreign nations. There were only, he believed, twenty copies left in the Library.

Mr. WENTWORTH inquired if it had ever been distributed to members of Congress.

Mr. THOMPSON said that copies never had been distributed among members.

Mr. WENTWORTH requested the gentleman from Mississippi to modify his amendment as he had desired.

Mr. THOMPSON said that books published by the Smithsonian Institution were distributed among the various libraries, and he was willing that such a distribution should take place.

Mr. WENTWORTH again inquired if the gentleman from Mississippi would modify his amendment.

Mr. THOMPSON said that he was opposed to giving copies to members of Congress.

Mr. WENTWORTH then moved to amend Mr. Thompson's amendment by adding that a copy of the work should be furnished to each Senator, Representative, and Delegate to the present Congress.

Mr. THADDEUS STEVENS said that he was opposed to the amendment to the amendment. He understood that the original amendment merely contemplated giving the plates to the Smithsonian Institution for that Institution to publish them. Congress had a perfect right to do this, but he could not understand by what right they could call upon the Institution to furnish a copy to each member of Congress from its own resources. If Congress intended granting an appropriation to defray the expense of the publication and distribution, as the gentleman from Illinois proposed, he would have no objection to it, but unless such an appropriation were made he should feel himself compelled to vote against the gentleman's amendment.

The question was then taken on Mr. Wentworth's amendment, and it was not agreed to.

The question was then taken on Mr. Thompson's amendment, and it was adopted.

*March 3, 1851.*

Civil and diplomatic act for 1852.

To enable the Smithsonian Institution to publish a new edition of Wilkes' Narrative and the accompanying series of papers; the plates and engravings which have been made at the expense of the United States to be turned, and they are hereby ordered to be delivered over to the said Institution to be used for that purpose.

(Stat., IX, 599.)

*March 3, 1851.*

An act making appropriations for the naval service for 1852.

SEC. 5. *And be it further enacted*, That for continuing the preparation and publication of the works of the exploring expedition, including the pay of the scientific corps, care of property, payment for printing, and paper, and other contracts under the law of 1842, authorizing the preparation and publication of said works, \$25,000.

(Stat., IX, 626.)

#### CARE OF GOVERNMENT COLLECTIONS.

*April 15, 1850—Senate.*

The bill for the completion of the Patent Office being under consideration, Mr. JEFFERSON DAVIS, of Mississippi, said:

Mr. President: What the wants of the Patent Office are now is one thing, and what those wants will be in a few years is another and an entirely different thing. Not only from the report of the last Com-

missioner of Patents, but from inspection, if anyone choose to make it and see the condition of things in that department, I think it may be denied that there is room enough in the present building for the wants of the department. If I understand the report of the present Commissioner of Patents or the Secretary of the Interior, the argument against the want of further room by the Patent Department is based upon the supposition that all which now belongs to the National Institute, all connected with the exploring expedition which now fills the museum of the Patent Office, is to be transferred to the Smithsonian Institution. That seems to be the basis of the conclusion. Now, sir, I wish to state to the Senate that Congress has no power to impose upon that Institution the duty of taking charge of this collection of the exploring expedition—we may infer from their act—nor did they ever intend to do so. They gave to that Institution the right to take all such curiosities brought home by the exploring expedition as might be desired for that Institution, and I will inform the Senate that it is not the intention of the present Board of Regents of the Smithsonian Institution to take charge of the museum of the Patent Office, and the room appropriated to these curiosities will be required hereafter as now.

*January 28, 1851—Senate.*

Mr. ISAAC P. WALKER, of Wisconsin, submitted resolution, which laid over one day under the rule.

*Resolved*, That the Board of Regents of the Smithsonian Institution be directed to inform the Senate why the sixth section of the act entitled "An act to establish the Smithsonian Institution for the increase and diffusion of knowledge among men" has not been complied with by making suitable arrangements for the reception of the "objects of art," etc., named in said section.

*January 30, 1851—Senate.*

The Senate proceeded to consider the resolution, submitted by Mr. ISAAC P. WALKER on January 28.

Mr. JEFFERSON DAVIS, of Mississippi. I hope that the resolution will not be favorably entertained by the Senate. The Smithsonian Institution is not a department of the Government, and I hope Congress will never undertake to take charge of it. This is a call upon the Board of Regents to explain to us something in connection with the execution of their duty. If it were a proper and a well-founded call, I should still think it improper for Congress to interfere with the administration of a fund which it has confided to a Board of Regents not entirely formed of members of Congress and not responsible to it. An examination of the charter would have shown the Senator who introduced the resolution that there was no obligation on the Smithsonian Institution to receive the museum, which, I suppose, is the matter referred to, but that, on the other hand, it was considered a grant, which the Government was willing to make, in a friendly spirit, of

objects of art and curiosity whenever the Institution should appoint some person to receive them. It is obligatory to deliver, but not to receive. In some other countries there is a courtesy between the king and his ministers that a minister shall never refuse a present. In Siam whenever the King wishes to crush a minister he sends him the present of an elephant. The minister can not refuse the present, because it comes from the King, but the expense of keeping the present crushes the minister. It is exactly such a present that the Senator from Wisconsin wishes to force the Smithsonian Institution to receive. It is a present the charge of which would deduct very greatly from the means of the Institution to carry out the purposes of its donor—a foreigner who gave a fund for a special object enumerated in his will.

If it were in the power of this Government to charge the Smithsonian Institution with the keeping of this museum, I should deem it more than improper in the Government to transfer an extensive collection which it holds, and fasten the charge of maintaining it upon the fund given by a foreigner for the increase and diffusion of knowledge among men, and the establishment of an institution for that purpose, to be located at the city of Washington, in the United States. But it is clearly not within the power of Congress to charge that fund with the keeping up of any establishment which the Government may choose either to create or which it may now have in its possession, and which would pervert the trust from its proper use.

If the Senator had examined the charter he would have found still further that in the kindness which prevailed, and the anticipation of a good understanding between that Institution and Congress, terms so general were employed that a power was given to the Institution to strip the Rotunda of the paintings which now adorn it, to take the models from the Patent Office, not merely the museum which is collected as the result of exploring expeditions, but everything which that Institution, if they claim the strict letter of the law, might choose to abstract from the various departments of the Government. But, without going into this question, I wish to call the attention of the Senate to the fact that here is an institution founded by the bequest of a foreigner, of which bequest the United States, properly or improperly I will not now stop to consider, have taken charge as trustee, and to administer which fund they have organized a Board of Regents. Its active operations have already been encumbered by the Congress of the United States requiring them to erect an expensive building with apartments for a museum and gallery of art. Now it is proposed to encumber them still further by charging them with keeping a large museum of the United States with which that Institution has no proper connection. It is no part of the general plan of that Institution to collect a large museum. The object is, according to the will of the founder, to increase and diffuse knowledge among men. They

therefore only wish to collect those things which are not to be found in the other museums of the country. They only wish to explore fields which have not been trodden before.

The object of the Senator from Wisconsin—the effect of his construction if sustained—is to cripple that fund in the very object for which it was given, and encumber it with the keeping of a great collection of art which now belongs to the United States. I do hope that the Senate will reject the resolution.

Mr. J. A. PEARCE. Mr. President, after what has been said by the Senator from Mississippi it would be unnecessary to say anything more. But I wish to state two considerations which I trust will be sufficient to induce the Senate not to adopt the resolution. In the first place, the resolution assumes that the Board of Regents of the Smithsonian Institution have neglected their duty. I think it can very easily be shown that they have not neglected this or any other duty imposed upon them. In the next place, all the information which the Senate can possibly derive from any communication the Board of Regents might make in answer to such a call is already in the possession of the Senate. The last annual report of the Board of Regents has been laid before the Senate and printed. That report explains fully their system of operations from the time of their organization. It sets forth the scheme of finance which they adopted, and in pursuance of that scheme of finance, the enlargement of the principal fund, which was rather small, for the great objects of the institution. They propose to extend the erection of the building over a series of years instead of completing it at once by the whole sum which the act of Congress authorized them to apply for that purpose. They have erected the building slowly, so as to apply the accruing interest to the enlargement of the fund and the increase of the general endowment of the institution. The plan of the building under which it is now being erected is precisely that which was adopted in the first instance by the Board of Regents, and which, if it be completed, will, if Congress choose to compel the institution to accept of this donation, enable them to accommodate this museum. The central building will accommodate the library which it is proposed the institution shall have, and also the museum of art. The upper story of the central building is designed for the museum of art, where the collections now in the Patent Office can be placed if Congress insist upon it. They have, therefore, neglected no duty; they have done their duty properly, judiciously, economically, faithfully. I suppose no one will charge them with a dereliction of duty because they have endeavored to increase the principal fund, with the view of having the institution better enabled to carry out the great and noble purposes of its founder.

We have, therefore, all the information which we can desire, and I see no necessity for the resolution of the Senator. I would mention

that in the last annual report there is a distinct expression of the will of the Board of Regents that they should not be compelled to accept of this donation, and their belief that under the law as it now is they can not be compelled to accept it, and that it would be a present which would be very expensive to them and take from their funds that which might be used for much more useful purposes.

Mr. H. S. FOOTE. I rise simply for the purpose of moving to lay the resolution on the table. I am sure my friend from Wisconsin will feel satisfied, after the explanation which has been given, that no good can result to the country by further pressing this resolution. With the view of avoiding any further debate, unless the Senator from Wisconsin wishes to be heard on his resolution, and inasmuch as the time has arrived for the consideration of the special order, I shall move to lay this resolution on the table. If my friend from Wisconsin will promise to make a very short speech, and then make the motion, however, I will withdraw it; but otherwise I can not.

Mr. I. P. WALKER. I wish to say a few words, but do not wish to promise to make any such motion.

Mr. FOOTE. Then I must insist upon the motion.

Mr. WALKER. I ask, is this fair?

Mr. FOOTE. It is perfectly courteous. I may be allowed to say that I wish to proceed with the discussion of another important question, and that is the reason I make the motion, but which I will withdraw provided the Senator will renew it.

Mr. WALKER. I will make the motion, but not vote for it.

Mr. FOOTE. Then I withdraw my motion.

Mr. WALKER. I should not, perhaps, have said anything on this resolution had it not been for an observation which fell from the Senator from Mississippi [Mr. Davis]. He attributed to me in emphatic terms an object which was to cripple the fund, as he said, by imposing upon it the burden of this museum.

Mr. JEFFERSON DAVIS, of Mississippi. I did not intend to charge the Senator from Wisconsin with any improper motive. I merely stated what the effect of the proposition would be. But I did not believe that the Senator from Wisconsin uninvited would have directed his attention to this subject. I take it for granted that some one suggested the resolution to him.

Mr. I. P. WALKER. In that the Senator is altogether mistaken. I have heard the subject spoken of in a great many quarters, but my own mind suggested to me the course I have taken here and elsewhere. I think I can appeal to the Senate that I generally introduce my own thoughts, and a great many of them, in opposition to what seems to be the mind of the Senate. I shall always act on the suggestions of my own mind when right and justice requires me to do so.

Both the Senator from Mississippi and the Senator from Maryland

are altogether mistaken in what I intended by the resolution. I have partly accomplished what I intended. I wished information from the Senator from Mississippi and the Senator from Maryland, whom I well knew were more familiar with the subject than I was, and ought to be so, for they are, I believe, both Regents of the Institution. My object was to call out information on the subject. On looking to the sixth section of the act, approved August 10, 1846, which was the act establishing the Smithsonian Institution, I was really at some loss to determine what it meant, and I am anxious to get views of the Board of Regents upon that point. That section is this:

SEC. 6. *And be it further enacted*, That, in proportion as suitable arrangements can be made for their reception, all objects of art and of foreign and curious research, and all objects of natural history, plants, and geological and mineralogical specimens belonging, or hereafter to belong, to the United States, which may be in the city of Washington, in whosoever custody the same may be, shall be delivered to such persons as may be authorized by the Board of Regents to receive them, and shall be arranged in such order and so classed as best to facilitate the examination and study of them in the building so as aforesaid to be erected for the Institution; and the Regents of said Institution shall afterwards, as new specimens in natural history, geology, or mineralogy may be obtained for the museum of the Institution by exchanges of duplicate specimens belonging to the Institution (which they are hereby authorized to make), or by donation, which they may receive, or otherwise, cause such new specimens to be also appropriately classed and arranged. And the minerals, books, manuscripts, and other property of James Smithson, which have been received by the Government of the United States, and are now placed in the Department of State, shall be removed to said Institution and shall be preserved separate and apart from the other property of the Institution.

I was in doubt as to the meaning of this section, and it seems to me that almost everybody would be in doubt as to the meaning of Congress in its passage. A portion of it looks as though this was a gratuity, and another portion looks as though it imposed an obligation on the Institution to provide for and receive those articles which are mentioned.

Then, looking at the interests of the Patent Office, I come to the conclusion that if it was proper and right that the Smithsonian Institution should take charge of these things and relieve the Patent Office, they should certainly do it. If anyone will go to the Patent Office and observe the manner in which models are kept he will be satisfied that the exhibition room of that office ought to be clear and the models to be exhibited there. At present the exhibition room of the Patent Office is occupied by this cabinet of curiosities. Models are crowded into places never intended for them, and look more like a series of brush heaps than anything else. A person can scarcely get one that is not broken; one can be scarcely got out of the cases where they are deposited. This is an improper mode of keeping the models of the inventors of the country. Something should be done to remedy this evil. I think the patent fund should be appropriated to the use

of the Patent Office, and not to the relief of the other departments of the Government. I hope that the enlargement of the Patent Office building, which has been paid for by the patent fund, will not be used for the convenience and accommodation of other departments. What says the Secretary of the Interior? In his last annual report, after enumerating various bureaus of his Department which need additional accommodations, he says:

I therefore recommend that the two wings of the Patent Office be finished, and that they be appropriated to the accommodation of the Department of the Interior and the different offices thereto attached. They will thus be brought under one roof, the communication between the head of the Department and the different bureaus will be greatly facilitated, and the records of the Government safely lodged in a fireproof building.

I had hoped when I saw \$216,468 taken from the patent fund for a beautiful palace that the models of the inventions and the inventors and mechanics of the country would receive some benefit from it; but I see it is utterly hopeless, seeing this recommendation of the Secretary of the Interior, and the wreck that is taking place in the Patent Office of the models and inventions of the country.

The Senator from Mississippi and the Senator from Maryland have given me some information on the subject of the resolution. And now I would say to those gentlemen, both as Senators and Regents of the Institution, that I entertain not the least unkind feelings toward the Smithsonian Institution. On the contrary, I would be willing to do anything reasonable that is within my power to facilitate its great object and the benefits which the country expects to derive from it; but at the same time I am unwilling to bestow benefits on that Institution at the sacrifice of the old and greater interests of the patentees and the Patent Office. With these feelings, I think there was no impropriety in offering the resolution.

If the Smithsonian Institution is not to take charge of these curiosities, it seems to me that something should be done to relieve the Patent Office from its present embarrassing condition in relation to the exhibition of its models. I think the patent fund, the fund contributed by the mechanics and inventors of the country, ought to be used solely for the benefit of the Patent Office and not for any other department of the Government unconnected with that fund or its interests.

According to my promise I now move to lay the resolution on the table, although I shall vote against the motion and hope it will not prevail.

Mr. JEFFERSON DAVIS, of Mississippi. Will the Senator withdraw the motion?

Mr. I. P. WALKER. Certainly.

Mr. DAVIS. I shall consume but very little time. Having made as much explanation as I thought was due to the occasion in relation to

the supposition by the Senator from Wisconsin of a personal or offensive application of what I said, I have nothing more to say on that point.

The object of the Senator, as directed to the benefit of the inventors of the country by providing a proper room for the exhibition of the models of their inventions, is one in which I very cordially sympathize. The Committee on Public Buildings have already that subject somewhat under consideration. I know quite well that the models in the Patent Office are in such a confused condition as not to comply with the terms of the law. The great gallery intended for the exhibition of models is now occupied by the museum which has been referred to. The present building, however, was built by money drawn from the United States Treasury, and may be occupied for that purpose. The wing which is being added and built out of the patent fund is clearly a building which should be for the use of the Patent Office, and I hope it will not be transferred to any other use. I sympathize with the object of the Senator in giving proper accommodations to the models in the Patent Office, and reserving for the use of that office the building which is being erected out of the patent fund. So far we go together.

I take it for granted, from the object of the Smithsonian Institution and from the plan on which its operations have been commenced and will be conducted, that it will never want such a museum as that in the Patent Office; still less will it want the garden of plants which has been collected by the exploring expedition. I suppose it would cost the Institution not less than \$10,000 a year to support such an establishment; and if it were transferred, Congress, I think, would be bound to endow the Institution with \$10,000 a year additional. I think it is quite appropriate to keep these natural curiosities in the Patent Office. They may aid inventive genius. Vegetable growth and animal action are elements upon which mechanical invention rests. There would therefore seem to be something appropriate in lodging them in the Patent Office. If they are not to be kept there, let the Government provide a room elsewhere, get rid of them, destroy them, or give them to somebody that will take them. But let not the Government coerce a fund, of which it was the chosen trustee, which was granted by a foreigner for a special purpose, with the charge of keeping this collection.

Mr. GEORGE E. BADGER. I move to lay the resolution on the table.

The motion was agreed to; and the resolution was ordered to lie on the table.

#### REPORT OF THE SMITHSONIAN INSTITUTION.

*July 23, 1850—House.*

Mr. H. W. HILLIARD requested the gentleman from Pennsylvania [Mr. James Thompson] to waive his motion for the regular order of

business, so as to enable him (Mr. Hilliard) to present the annual report of the Board of Regents of the Smithsonian Institution. His object was simply to present the report, that it might be laid upon the table and printed.

Mr. JAMES THOMPSON, of Pennsylvania, insisted on the regular order of business.

The Speaker (Mr. HOWELL COBB) stated to the gentleman from Alabama [Mr. H. W. Hilliard] that the report could only be introduced by unanimous consent. The regular order of business was insisted upon, and objections were made in several quarters.

The report, therefore, was not presented.

*July 25, 1850—House.*

The Speaker (Mr. HOWELL COBB) laid before the House a communication from the Secretary of the Smithsonian Institution, transmitting the annual report of the Board of Regents of the Smithsonian Institution—laid upon the table, and ordered to be printed.

*July 29, 1850—Senate.*

The President pro tempore (Mr. WILLIAM R. KING) laid before the Senate a letter of the Secretary of the Smithsonian Institution, transmitting the annual report of the Board of Regents.

On motion by Mr. JEFFERSON DAVIS, of Mississippi,

*Ordered,* That it be referred to the Committee on Printing, with instructions to inquire into the expediency of printing 5,000 additional copies without the Appendix.

*July 30, 1850—Senate.*

Mr. HANNIBAL HAMLIN, from the Committee on Printing, reported in favor of printing the report of the Smithsonian Institution, with 5,000 additional copies without the Appendix, 500 of which are for the use of the Smithsonian Institution.

Agreed to.

*January 9, 1851—Senate.*

Mr. JEFFERSON DAVIS, of Mississippi, submitted resolution:

*Resolved,* That the Committee on Printing be instructed to inquire into the propriety of printing three thousand extra copies of the Appendix to the report of the Regents of the Smithsonian Institution, one thousand of which to be for the benefit of the Smithsonian Institution.

Mr. DAVIS. Mr. President, when I made the motion to print extra copies of the report of the Regents of the Smithsonian Institution I was not acquainted with the value of the Appendix. It contains valuable statistical and other information respecting the libraries of the United States, and it is believed that it would be valuable and desirable to the country at large.

Agreed to.

*March 1, 1851—Senate.*

The President of the Senate (Mr. HOWELL COBB) laid before the body a letter from the Secretary of the Smithsonian Institution, com-

municating the annual report of the Board of Regents of said Institution—ordered to lie on the table.

On motion by Mr. J. A. PEARCE that it be printed, and that 2,000 extra copies thereof be printed, the motion was referred to the Committee on Printing.

*March 7, 1851—Senate.*

On motion by Mr. SOLON BORLAND, the report of the Board of Regents of the Smithsonian Institution was ordered to be printed.

Mr. BORLAND. I now move that 3,000 extra copies of that report be printed.

Mr. J. W. BRADBURY. I hope we will let the matter of printing documents lie over until we meet for the transaction of ordinary legislative business, and not undertake enterprises of this kind at thistime.

Mr. JEFFERSON DAVIS, of Mississippi. I can not see how the printing of a report made to Congress can properly be termed an enterprise.

Mr. R. B. RHETT. Who is to print it?

Mr. DAVIS. The public printer.

Mr. RHETT. He says he can not do it.

Mr. BORLAND. That is the old contractor. This goes to the new contractor.

Mr. DAVIS. I was surprised to hear the few remarks which were made on this question. Surely Senators forget that the United States have accepted the bequest made by a foreigner to found an institution at Washington, and that Congress have organized a Board of Regents and given them the charge of the fund so left to the United States for the benefit of mankind; and this is the report of the board so constituted by Congress. If there be anything more than another which we should circulate freely throughout the United States, it is the knowledge of the manner in which we discharge this holy trust which we have taken upon ourselves. The report of the Board of Regents of the Smithsonian Institution is made to Congress by authority as high as the report of any committee of Congress. If it be said that you ought not to print extra copies of this, to that I would reply that a report made by a committee of Congress is for the action of Congress, and it would be questionable whether the Senate should print extra copies of a report of one of its committees; but it is clear that if you have authority to print for circulation and distribution at all, it belongs to such a document as this, relating to a trust fund bequeathed to the United States, taken charge of by the United States, and which we are now administering through a Board of Regents. As to the value of the information I will express no opinion.

Mr. RHETT. I would ask my friend from Mississippi why the Smithsonian Institution itself does not print its own proceedings?

Mr. DAVIS, of Mississippi. I said, I think, that this was a report to Congress. The Smithsonian Institution does print its contributions to

knowledge, and does attend to their diffusion among men. This, however, is not a contribution to human knowledge, but is a report to Congress of the manner in which the Board of Regents executed the trust confided to them.

Mr. J. A. PEARCE. I beg leave simply to add that the law organizing the Smithsonian Institution compels the Board of Regents to make this annual report to Congress.

Mr. J. M. MASON. I move to amend the motion so as to provide that 1,000 copies shall be printed for the Institution.

Mr. MOSES NORRIS. Is this the report of a committee?

Mr. BORLAND. It is the report of the Board of Regents of the Smithsonian Institution; the question of printing it was referred to the Committee on Printing; the committee were in favor of the proposition, but could not make a report. It has been ordered to be printed; and the proposition now is to print 3,000 extra copies.

Mr. NORRIS. Does it come from the Committee on Printing?

Mr. BORLAND. It does.

The amendment was agreed to.

#### INTERNATIONAL EXCHANGES.

*September 30, 1850.*

Civil and diplomatic act for 1851.

For carrying into effect the international exchanges of books, authorized by the act of June 26, 1848, entitled "An act to regulate the exchanges of certain documents and other publications of Congress," \$2,000.

(Stat., IX, 524.)

*February 27, 1851.*

*Resolved, etc.,* That the Secretary of the Senate and the Clerk of the House of Representatives be, and they hereby are, directed to distribute, by mail or otherwise, the works now being published by authority of Congress, known as the works of Alexander Hamilton, in the manner following, to wit: \* \* \* to the Smithsonian Institution, one copy; \* \* \* to the Joint Committee on the Library for the purpose of international exchange, twelve copies.

SEC. 3. *And be it further resolved,* That the works of the late John Adams, published and being published, for which the Congress of the United States have subscribed, be distributed in the same manner as is herein provided for the distribution of the works of the late Alexander Hamilton, except the five copies to Mrs. Eliza Hamilton.

(Stat., IX, 646.)

*March 3, 1851.*

Civil and diplomatic act for 1852.

Of the Annals of Congress \* \* \* twenty-five copies for international exchanges \* \* \* two copies to the Smithsonian Institution.

(Stat., IX, 599.)

## INCREASE OF SMITHSON FUND.

*January 23, 1851—Senate.*

Mr. J. A. PEARCE. I have a memorial from the Regents of the Smithsonian Institution which I ask to be referred to the Finance Committee. Referred.

*To the honorable the Senate and House of Representatives in Congress assembled:*

GENTLEMEN: The Board of Regents of the Smithsonian Institution have directed me to transmit to your honorable body the resolutions appended to this letter, and to solicit the passing of a law in accordance therewith.

It is known to your honorable body that the original sum received into the United States Treasury from the Smithsonian bequest was a little more than \$515,000, and that at the time of the passage of the act incorporating the Institution \$242,000 had accrued in interest, which sum, or so much of it as might be deemed necessary, the Regents were authorized to appropriate to a building. It is also known to your honorable body that the act of incorporation directed that provision should be made for the establishment of a library and museum, together with the erection of a building on a liberal scale to contain them.

While the Regents in their plan of organization obeyed these instructions, they also, by virtue of the power invested in them and in conformity with the terms of the bequest, adopted additional plans for the more immediate promotion of the increase and diffusion of knowledge among men by means of researches, publications, lectures, etc.

In order, however, to carry out the several parts of this more extended plan, it was found absolutely necessary that the annual income of the Institution should be increased. To accomplish this it was resolved, instead of expending at once the \$242,000 on a building, carefully to husband the same and to erect the building in the course of several years, in part out of the proceeds of the sum before mentioned and in part out of such portions of the income of the original fund as could be spared from the ordinary operations of the Institution. This scheme has been effectually carried out, and the Regents now ask to be allowed to place in the Treasury of the United States, alongside of the original bequest and upon the same terms, never to be expended, the sum of \$150,000 of accrued interest, and to be allowed to add to this from time to time such other sums as may come into their possession, by donation or otherwise, until it, with the sums thus added, shall amount to \$200,000, making in all a principal fund of a little more than \$715,000.

After this deposit of \$150,000 the Regents will still have sufficient money on hand to finish the whole exterior of the building and such portions of the interior in addition to those now completed as may be wanted for several years to come; they then propose gradually to finish the remainder, in such portions as may be wanted, out of the annual accruing interest.

The sole object of the request is the permanent investment and perpetual security of the accumulated fund, and when your honorable body is assured that the organization and operation of the Institution have received the approbation of the wise and good, not only in this country, but in every part of the world where literature and science are cultivated, the undersigned trusts that the request will be granted.

And your petitioner will ever pray, etc.,

JOSEPH HENRY,  
*Secretary of the Smithsonian Institution.*

*Resolution of the Board of Regents of the Smithsonian Institution, adopted at their meeting of June 1, 1850, and appended to the foregoing petition.*

*Resolved*, That it is expedient to enlarge the permanent fund of the Institution by the investment of such sums not exceeding \$200,000 as may have been or shall be received for accrued interest or otherwise, in addition to the principal sum of the Smithsonian bequest, augmenting the principal sum to that amount, and that application be made to Congress to receive such sums not exceeding \$200,000 as may have been or shall be received for accrued interest or otherwise into the United States Treasury upon the same terms on which the original bequest has been received.

*Resolved*, That the secretary be requested to communicate a copy of this resolution to Congress and to request that provision be made by law in accordance therewith.

*January 30, 1851—Senate.*

Mr. THOMAS EWING, from the Committee on Finance, to which was referred the memorial of the Regents of the Smithsonian Institution, reported a bill supplementary to an act passed August 10, 1846, entitled "An act to establish the Smithsonian Institution for the increase and diffusion of knowledge among men;" which was read and passed to a second reading:

*Be it enacted, etc.*, That so much of the money now in the hands of the regents of the Smithsonian Institution, being an accumulation of interest on the principal fund that accrued prior to July first, eighteen hundred and forty-seven, and heretofore set apart for the erection of the suitable buildings for the use of said institution, as may not be found necessary for the completion of the edifice now in course of erection, and all such further sums as may be received hereafter from the estate of James Smithson, shall be received into the Treasury of the United States on the same terms as were provided for the original principal fund by the second section of the act entitled "An act to establish the Smithsonian Institution for the increase and diffusion of knowledge among men," approved August tenth, eighteen hundred and forty-six, and that the interest thereon at the rate of six per centum per annum shall in like manner be payable half-yearly on the first of January and July in each year, from and after the date at which it shall be received into the Treasury of the United States for the perpetual maintenance and support of said institution: *Provided*, That the sums thus to be received shall not exceed the amount of two hundred thousand dollars.

#### APPOINTMENT OF REGENTS.

*By the Vice-President.*

*March 5, 1851—Senate.*

On motion of Mr. J. A. PEARCE, the President of the Senate (Mr. WILLIAM R. KING) was authorized to fill the vacancy in the Board of Regents of the Smithsonian Institution occasioned by the expiration, on the 3d day of March, 1851, of the term of Jefferson Davis, of Mississippi.

*March 6, 1851—Senate.*

On motion of Mr. J. A. PEARCE, the President of the Senate (Mr. WILLIAM R. KING) was authorized to fill the vacancy in the Board of Regents occasioned by the expiration of the term of service of James M. Mason.

The President (Mr. KING) reappointed Jefferson Davis and James M. Mason as Regents of the Smithsonian Institution.

## APPOINTMENT OF REGENTS.

*By the Speaker.**January 7, 1850—House.*

The Speaker (Mr. HOWELL COBB) appointed Henry W. Hilliard, of Alabama, W. F. Colcock, of South Carolina, and G. N. Fitch, of Indiana, on the part of the House, as Regents of the Smithsonian Institution.

## APPOINTMENT OF REGENTS.

*By Joint Resolution.**December 10, 1850—Senate.*

Mr. J. A. PEARCE gave notice of his intention to ask leave to introduce a joint resolution providing for the appointment of Regents of the Smithsonian Institution.

*December 11, 1850—Senate.*

Mr. J. A. PEARCE, in pursuance of notice, asked and obtained leave to introduce a joint resolution for the appointment of Regents of the Smithsonian Institution:

*Resolved, etc.,* That the vacancies in the Board of Regents of the Smithsonian Institution of the class "other than members of Congress" be filled by the reappointment of the late incumbents, viz, Richard Rush, of Pennsylvania, and Joseph G. Totten, of the city of Washington.

On the motion of Mr. PEARCE, the joint resolution was read a second time, and considered as in Committee of the Whole. Reported to the Senate, and passed.

*December 18, 1850—House.*

Mr. G. N. FITCH said there was upon the Speaker's table a joint resolution from the Senate providing for the appointment of Regents for the Smithsonian Institution whose term of service had expired. He hoped the House would take up and consider the resolution, as it would occupy but a few minutes. It was absolutely necessary that it should be passed, for the reason that the Board of Regents was not full and no business could be transacted by the Board until the vacancies be filled. He hoped the resolution would be taken up.

There being no objection the joint resolution was taken up and passed.

*December 24, 1850.*

*Resolved, etc.,* That the vacancies in the Board of Regents of the Smithsonian Institution of the class "other than members of Congress," be filled by the reappointment of the late incumbents, viz.: Richard Rush, of Pennsylvania, and Joseph G. Totten, of the city of Washington.

(Stat., IX, 646.)

## THIRTY-SECOND CONGRESS, 1851-1853.

## APPROPRIATIONS FOR GROUNDS.

*April 20, 1852—Senate.*

The Senate having under consideration the deficiency bill, and the following amendment from the Committee on Finance being in order:

For planting and finishing the roads and walks through that portion of the public Mall surrounding the Smithsonian Institution, \$7,000.

Mr. R. M. T. HUNTER said: This item is estimated for by the Secretary of the Interior. It is proposed to appropriate this amount in this bill, instead of appropriating it for the next fiscal year, as this is the planting season.

Agreed to.

*August 21, 1852—Senate.*

An amendment to the civil and diplomatic appropriation bill for the year ending June 30, 1853, was proposed by the Finance Committee, as follows:

For finishing the grading, manuring, planting, finishing the roads and walks, graveling and laying gutters along the margin of the same, and repairing the fence of the Smithsonian square, \$13,200.

*August 26, 1852—Senate.*

Mr. R. M. T. HUNTER moved to amend the amendment offered August 21, by striking out "\$13,200" and inserting "\$16,760." Amendment as amended was agreed to.

*August 30, 1852—Senate.*

In conference committee the Senate receded from the amendment of August 26.

*March 1, 1853—Senate.*

Mr. R. M. T. HUNTER, from the Finance Committee, offered amendment to the civil and diplomatic appropriation bill—

To supply a deficiency for the purchase of trees and hire of laborers on the improvements of reservation No. 2, on public Mall, between Seventh and Twelfth streets west, \$5,276.52.

Agreed to.

*March 3, 1853—House.*

The House refused to agree to the amendment of the Senate to the civil and diplomatic bill appropriating \$5,276.52 for reservation No. 2.

The amendment having been sent to a committee of conference, the House receded from its disagreement, and the amendment was agreed to.

## INCREASE OF SMITHSON FUND.

*May 27, 1852—Senate.*

Mr. J. A. PEARCE, from the Committee on Finance, reported a bill supplementary to an act approved August 10, 1846, entitled "An act to establish the Smithsonian Institution," etc.:

*Be it enacted, etc.,* That so much of the money now in the hands of the Regents of the Smithsonian Institution, being an accumulation of interest on the principal fund that

accrued prior to July first, 1847, and heretofore set apart for the erection of the suitable buildings for the use of said Institution, as may not be found necessary for the completion of the edifice now in course of erection, and all such further sums as may be received hereafter from the estate of James Smithson, shall be received into the Treasury of the United States on the same terms as were provided for the original principal fund by the second section of the act entitled "An act to establish the Smithsonian Institution, for the increase and diffusion of knowledge among men," approved August tenth, 1846, and that the interest thereon, at the rate of six per centum per annum, shall in like manner be payable half-yearly, on the first of January and July in each year, from and after the date at which it shall be received into the Treasury of the United States, for the perpetual maintenance and support of said Institution: *Provided*, That the sums thus to be received shall not exceed the amount of \$200,000.

Passed to a second reading.

#### FREE POSTAGE.

*July 11, 1852—House.*

Mr. B. HENX, of Iowa, offered an amendment to the bill to reduce and modify the rates of postage in the United States, etc.:

The presidents of universities, colleges, academies, and of all scientific institutions, and also the Smithsonian Institution, may send by mail, free of postage, the printed copies of any regular paper, pamphlet, or book published under the authority of any such institution; and also the proof sheets of such copies while the same are being published: *Provided*, Such printed copies shall be distributed gratis.

*July 12, 1852—House.*

The amendment was rejected.

#### REPORT OF THE SMITHSONIAN INSTITUTION.

*August 20, 1852—Senate.*

The President pro tempore (Mr. D. R. ATCHISON) laid before the Senate a letter from the Secretary of the Smithsonian Institution, communicating the annual report of the Board of Regents of that Institution, which was ordered to lie on the table and be printed.

A motion of Mr. J. A. PEARCE that 5,000 additional copies be printed was referred to the Committee on Printing.

*August 26, 1852—Senate.*

Mr. H. HAMLIN, from the Committee on Printing, reported in favor of printing 5,000 additional copies of the annual report of the Regents of the Smithsonian Institution, and that 2,000 copies thereof be for the use of the Institution. Agreed to.

*March 1, 1853—Senate.*

The President pro tempore (Mr. D. R. ATCHISON) laid before the Senate the seventh annual report of the Board of Regents of the Smithsonian Institution.

*March 3, 1853—Senate.*

The report of the Board of Regents of the Smithsonian Institution was ordered to be printed.

## APPOINTMENT OF REGENTS

*By the Vice-President.**August 24, 1852—Senate.*

Mr. J. A. PEARCE submitted resolution.

*Resolved*, That the vacancy in the Board of Regents of the Smithsonian Institution, occasioned by the resignation of Jefferson Davis, be filled by the President of the Senate.

Agreed to and Robert M. Charlton was appointed.

## APPOINTMENT OF REGENTS

*By the Speaker.**January 2, 1852—House.*

The Speaker (Mr. LINN BOYD), in pursuance of the act of Congress, announced the names of the following gentlemen as Regents of the Smithsonian Institution: William F. Colcock, of South Carolina; Graham N. Fitch, of Indiana, and James Meacham, of Vermont.

## APPOINTMENT OF REGENTS

*By Joint Resolution.**December 21, 1852—Senate.*

Mr. J. A. PEARCE. There are two vacancies in the Board of Regents of the Smithsonian Institution, which it is very desirable and necessary should soon be filled. I therefore ask leave to introduce a joint resolution.

*Resolved, etc.*, That the vacancies in the Board of Regents of the Smithsonian Institution, of the class "other than members of Congress," be filled by the appointment of Alexander Dallas Bache, of the city of Washington, and John MacPherson Berrien, of the State of Georgia.

Considered by the Senate as in Committee of the Whole; reported without amendment; passed.

*January 11, 1853—House.*

Mr. JAMES MEACHAM. I ask the unanimous consent of the House to take up joint resolution S. 64, for the appointment of Regents of the Smithsonian Institution. It will take but a moment, and it is very necessary that it should be passed. Resolution passed.

*January 13, 1853.*

*Resolved, etc.*, That the vacancies in the Board of Regents of the Smithsonian Institution, of the class "other than members of Congress," be filled by the appointment of Alexander Dallas Bache, a member of the National Institute, and resident in the city of Washington, and John MacPherson Berrien, of the State of Georgia.

(Stat., X, 261.)

## DOCUMENTS.

*August 31, 1852—Senate.*

On motion by Mr. AUGUSTUS C. DODGE, of Iowa, it was—

*Ordered*, That instead of the distribution of Owen's report heretofore ordered, there be furnished to the General Land Office 100 copies, to the Smithsonian Institution 100 copies, and to Dr. Owen 200 copies.

## EXPLORING EXPEDITION.

*August 31, 1852.*

Civil and diplomatic act for 1853.

Library of Congress.—For continuing the preparation and publication of the works of the Exploring Expedition, including the expenses of the greenhouse, and for the settlement of arrears due on the erection of said greenhouse, \$25,000: *Provided*, That no part of this appropriation shall be applied to the enlarging of the present or the erection of new buildings.

(Stat., X, 77.)

*March 3, 1853.*

Civil and diplomatic act for 1854.

Library of Congress.—For the completion of the publication of the works of the Exploring Expedition, in pursuance of contracts already made, \$25,000: *Provided*, That this appropriation shall finish the publication.

(Stat., X, 190.)

## INTERNATIONAL EXCHANGES.

*August 31, 1852.*

Civil and diplomatic act for 1853.

To defray freight and other expenses incurred under the act to regulate the exchange of certain documents and other publications, approved June 26, 1848, the sum of \$1,000, and that the said act is hereby repealed.

(Stat., X, 77.)

## METEOROLOGY—JAMES P. ESPY.

*August 31, 1852.*

Act for naval service for 1853.

For meteorological observations, to be conducted under the directions of the Secretary of the Navy, \$2,000.

For the payment of the salary of Professor James P. Espy, during the fiscal year ending June 30, 1848, no appropriation having been made by Congress for that year, \$2,000.

(Stat., X, 102.)

*March 3, 1853.*

Act for naval service for 1854.

For meteorological observations, to be conducted under the directions of the Secretary of the Navy, \$2,000.

(Stat., X, 221.)

The sum received in London from the bequest of Mr. Smithson by the agent of the United States appointed in pursuance of the act of July 1, 1836, was \$515,169. But the sum actually received into the Treasury was \$508,318.46, the difference between the two sums having been absorbed by certain expenses in collecting and transferring the money to the United States.

By the sixth section of the act of July 7, 1838, it was provided that the money so received should be invested by the Secretary of the Treasury, with the approbation of the President of the United States, in stocks of States, bearing not less than 5 per cent interest, and that the said stocks should be held by the said Secretary in trust for the uses specified in the last will and testament of James Smithson, until provisions should be made by law for carrying the purposes of the said bequest into effect, and the annual interest accruing on the stock aforesaid should, in like manner, be invested for the benefit of the said Institution.

By the act of September 11, 1841, so much of the before-mentioned act as authorized investments in stocks of the States was repealed, and the Secretary of the Treasury was required thereafter to invest in stocks of the United States.

But between the dates of these two acts the sum of \$508,318.46, together with the interest accruing on the first purchase, was invested in stock of the State of Arkansas, upon which the State, in the sequel, failed to pay interest, and upon which, from the time of such failure, nothing has been realized, except certain sums which have accrued to the State from the sale of public lands under what is commonly called the 5 per cent fund.

In this condition of the fund the act of August 10, 1846, was passed, entitled "An act to establish the Smithsonian Institution, for the increase and diffusion of knowledge among men."

The act recognized as a debt due from the United States the sum so received and invested. It fixed the said sum at \$515,169, the sum received by the agent in London, thus assuming the expenses incurred, and leaving the original bequest unimpaired for the use of the Institution. It provided for the payment of interest on the said sum from the time of receipt, at 6 per cent, payable on the 1st January and 1st July of each year, appropriating the interest which had so far accrued, amounting to \$242,129, for the erection of suitable buildings, and the interest thereafter to accrue for the maintenance and support of the Institution. But the act at the same time provided "that all the stocks which may have been or may hereafter be received into the Treasury of the United States on account of the fund bequeathed by James Smithson be, and the same are hereby, pledged to refund to the Treasury of the United States the sums hereby appropriated."

With this brief explanation of the history of the fund, including the legislation thereon, the committee, it is hoped, will find the statements referred to sufficiently intelligible.

A is a statement showing on the one hand, first, the amount originally received into the Treasury; second, the amounts received for interest; and, third, the amount of United States stock redeemed, this amount (\$5,523.21) being part of the sum of \$106,184.85 mentioned in same statement; and, on the other hand, first, the investments made for the benefit of the Institution; second, an expense incurred in the management of the fund; and, third, the balance remaining on hand.

Statement B shows the amount of stock now held, and the different descriptions of which it is composed. It shows also the present market value of said stocks, with the exception of the Arkansas, which is, perhaps, not worth more than 40 cents on the dollar.

C is a statement showing on the one hand the interest which has accrued on these stocks, and on the other hand, first, the interest which has been received, and, second, the interest which is due and uncollected.

D is a statement of the interest which has accrued on the sum of \$515,169 under the act of August 10, 1846, all of which has been paid up to the 31st December, 1853, first, for the erection of the building, and, second, for the support of the Institution, in pursuance of the terms of said act.

From these statements it appears that the fund which is pledged to reimburse to the Treasury the amount appropriated by the act of August 10, 1846, may be stated as follows:

1. Stocks on hand of the par value of.....	\$720, 661. 64
2. Balance of cash in the Treasury .....	18, 646. 83
3. Balance of interest uncollected.....	369, 316. 32
	<hr/>
	1, 108, 624. 79

It is estimated that, by authorizing the Secretary of the Treasury to redeem the stocks of the United States held in trust for the Institution at the rates of premium offered for said stocks, and to sell the stocks of the States of Illinois, Ohio, and Michigan at their market price, the sum of \$199,844 may be realized and applied toward the reimbursement of the said appropriations, and I respectfully recommend that authority may be given to pursue this course.

I have the honor to be, very respectfully,

JAMES GUTHRIE,  
*Secretary of the Treasury.*

HON. JOS. R. CHANDLER,  
*Chairman Select Committee on Smithsonian Fund.*

A.—Statement of the Smithsonian fund, for investment in stocks, on the 1st of January, 1854, under the sixth session of the act of Congress of July 7, 1838, and act of September 11, 1841.

To amount of stocks purchased by the Secretary of the Treasury for the benefit of the Smithsonian fund, viz:		By amount received from the estate of James Smithsonian, deceased .....		\$506,318.46
		By amounts received for interest on investments, viz:		
State of Arkansas .....		From State of Arkansas .....	\$130,443.25	
State of Michigan .....		From State of Michigan .....	6,560.00	
State of Illinois .....		From State of Illinois .....	38,700.00	
State of Ohio .....		From State of Ohio .....	13,500.00	
United States loan .....		From United States stocks .....	34,552.76	223,756.01
		By amount of United States $\frac{5}{8}$ per cent stock redeemed .....	1,291.86	
		By amount of United States 5 per cent stock redeemed .....	4,231.35	5,523.21
To amount paid to June 30, 1853, as compensation to the clerk in charge of the fund, as authorized by the late Secretary of the Treasury .....				
To balance to the credit of the fund .....				
		\$717,875.85		737,597.68
		1,075.00		
		15,646.83		
		737,597.68		

**B.—Statement showing the description and amount of stocks held by the Secretary of the Treasury in trust on account of the Smithsonian fund, including their market price and value at each price.**

Description of stock.	Amount of stock	Present market price.	Value at market price.
<b>State of Arkansas 6 per cent bonds.</b>	\$538,000.00		
Interest due on these bonds Jan. 1, 1854, \$361,656.32. No interest is paid on these bonds other than what is received on account of certain amounts, which from time to time are ascertained to be due the State of Arkansas on account of the 5 per cent fund accruing to said State from the net proceeds of lands sold within said State, which amounts, when ascertained, are applied to the payment of interest due on these bonds, as authorized under the provisions of a joint resolution of Congress, approved Mar. 3, 1845.			
<b>State of Michigan 6 per cent stock—Detroit and Pontiac Railroad, 1850.</b>	8,000.00	Par	\$8,000.00
Interest due on this stock Jan. 1, 1854, \$660. Interest paid and applied, as authorized under the joint resolution of Congress of Mar. 3, 1845, from the net proceeds of sales of public lands in said State, and the amount now due may be expected to be paid when the next adjustment of these sales is made the ensuing spring.			
<b>State of Illinois 6 per cent stock:</b>			
Internal improvement stock, 1870.	\$33,000.00	98 to 99	52,000.00
Illinois and Michigan Canal stock, 1860.	10,000.00	96	
Illinois Bank and Internal improvement stock, 1860.	13,000.00	94	
	56,000.00		
<b>State of Ohio 6 per cent—Ohio Canal stock, 1860</b>	14,000.00	107½ to 108½	19,500.00
Interest paid by the State of Ohio as it becomes due in January and July of each year.			
<b>United States 6 per cent stock, as follows:</b>			
Loan of 1842	\$14,061.64	115½ and interest 2 months.	59,650.00
Loan of 1846	19,303.00	106 and interest 2 months.	20,544.00
Loan of 1848	33,400.00	121 and interest 2 months.	40,750.00
	100,661.64		
	729,561.64		199,844.00

C.—*Statement showing the amount of interest received and disbursed on account of the Smithsonian Institution, under the act of Congress approved August 10, 1846, which act fixed the principal of the Smithsonian fund at \$515,169.*

To amount of interest which has accrued on the principal of the Smithsonian fund as secured by the second section of the act of Aug. 10, 1846, from Sept. 1, 1838, to Dec. 31, 1849, as per report No. 103,882.....	\$350,314.42	By amount of interest paid to the proper disbursing agent of the Board of Regents of the Smithsonian Institution up to Dec. 31, 1849, per report No. 103,882.....	\$350,314.42
To amount of interest which has accrued on said fund from Jan. 1, 1850, to Dec. 31, 1853.....	123,640.56	By amount of interest paid from Jan. 1, 1850, to Dec. 31, 1853.....	123,640.56
	<u>473,954.98</u>		<u>473,954.98</u>

D.—*Statement of the Smithsonian fund as it regards interest on stocks.*

To amount of interest received .....	\$223,756.01	By amount of interest which has accrued on stocks purchased, viz:	
To interest now due, viz:		On stock of the State of Arkansas.....	\$492,079.57
From the State of Arkansas .....	\$361,636.32	On stock of the State of Michigan.....	7,520.00
From the State of Michigan .....	960.00	On stock of the State of Illinois ..	45,420.00
From the State of Ohio .....	6,720.00	On stock of the State of Ohio.....	13,500.00
	<u>369,316.32</u>	On stock of the United States ....	34,552.76
	<u>593,072.33</u>		<u>593,072.33</u>

Shortly after the receipt of the above statements by the chairman of the committee, there was presented to the House of Representatives the memorial of March 10, 1854, from the Smithsonian Institution.

The statement made to the select committee by the Secretary of the Treasury shows that the Government, by an act of Congress, set apart as the capital of the Smithsonian fund the sum of \$515,169; regarding those States that have failed to make payment of principal or interest of the sums loaned to them from the fund received from England as debtors to the Treasury of the United States, leaving the fund unencumbered with accounts against the borrowers and equal to the amount left by the testator.

What disposition should be made of the evidences of debts which the Government of the United States holds against the borrowers of the original fund did not form a part of the inquiries which the committee was authorized to make. But as those funds evidently belong to the Government of the United States, the committee will feel itself justified in suggesting such a disposal thereof as will release the books of the Treasury Department of the continued and increasing accounts. And at the close of the report a resolution will be added recommending the sale of all such assets, and that the net proceeds be carried to the general fund.

The memorial of the Smithsonian Institution, asking for permission to invest a portion of the fund saved in the construction of the building, for which purpose it had been appropriated, suggested to the joint committee inquiries as to the probable demands which would be made upon the income of the Institution; and that led to a further inquiry as to the legitimate objects for expenditure. These inquiries could only be answered by a recurrence to the will of the distinguished testator; and if that should be less explicit in any particular than would be desirable, then a recurrence could be had to the well-established facts of his life, and the special objects which he pursued in his devotion to science; and the end which he proposed in his pursuits while alive, and the special directions of his estate after the death of the person to whom was bequeathed a life use of his property.

Committees of Congress have several times presented statements of the objects of Mr. Smithson's bequest to the Government of the United States in trust, and their opinion of the mode in which these objects should be attained, and proceedings have been had, founded on the acts of Congress, that have been consequent upon these reports. And the Institution has been established, and been made most beneficially operative by a "direction," which has been careful to administer its affairs in the spirit of Congressional enactments.

The Smithsonian Institution, however, is unique in its character, and it is brought into action at a time when science is advancing beyond all precedent, and when the learned and the scientific of the Old World are demanding from the United States not merely a sympathy in their labors, but a contribution to the amount of knowledge and science with which the world has already been enriched.

With the constant demands upon the Institution, and the constant efforts to respond to these demands, it is not strange that it should be found occasionally necessary to inquire whether its administration is maintained with a constant eye to that progression which the advancement of science renders necessary, and whether every plan which was hesitatingly but carefully adopted in the establishment of the Institution is productive of the exact result which was contemplated on its formation, and whether any of its minor divisions impinge upon the more important branches, and thus diminish the means of usefulness on the whole, and delay the attainment of these objects, which are properly the end of the great establishment.

To judge correctly of such matters it is not only necessary to know what has been done by the Institution, but what was the plan of those by whom it was inaugurated, and especially it is important to compare the proceedings of the Institution with the will of its testator, and to ascertain whether what he proposed has been in any degree attained, and whether all has been done that the means supplied would allow, and whether the plans for future action are in direct conformity

and its appropriate and timely liberality furnished the funds and means for the dissemination.

It has already been remarked that the unique character of Mr. Smithson's bequest rendered it difficult of administration upon any plan that should not be sanctioned by some experience, and hence if there should be suggested a slight departure from the requirements of the letter of the law of 1846, by which the Institution was organized for action, it must not be understood as censuring the views of those who labored in the plan and secured the efficient and desirable action of Congress. At that time gentlemen of the highest distinction in literature and science differed in their views of the best means of carrying out the wishes of the founder. Each had a favorite theory as it regards the efficiency of certain means or modes, and that difference arose greatly from previous habits and associations or from the influence which the greater mind had upon the less.

It can not be denied that the creation of an immense library was a favorite and the dominant idea of many who at that time leaned entirely upon foreign writers for information and resorted to books rather than to experiments and observations for exact information on any science. Such a course seems natural where it had been universal, and the opinions are likely to be operative just in proportion to the dependence of minds upon books; and hence a vast collection of volumes in any city of the fourth or fifth class in point of size and as yet of no particular class in point of science and literature seemed to promise a fulfillment of the wishes of Smithson.

Yet these volumes were not to "increase the amount of knowledge among men;" they only recorded the existing amount, were merely the storehouses of what had been gathered and kept in the city of Washington, as yet only the political center of the nation, and it is difficult to see how they would serve greatly to "diffuse that knowledge among men."

Another part of the plan is the establishment of a museum, and, in the opinion of the committee, this, if kept within just bounds, is a valuable part of the general plan. The danger is that a museum, instead of being what its name implies, will become a receptacle for all the freaks of nature which a morbid curiosity may discover and the resort of those who would rather be amused with a *lusus naturæ* of any kind than with a well-arranged and instructive display of products in their scientific order.

A museum for the Smithsonian Institution should be of a kind to assist the student and the master in natural studies and enable them to pursue their inquiries to the full extent of attained results, that they may increase the amount of that kind of knowledge—may add to what is already known; and when they shall have completed that com-

mission and their reports shall have satisfied the Institution that something is contributed to the previous amount of knowledge in their particular branches, then the Institution shall cause those contributions to be printed in an appropriate manner and copies to be distributed to the various libraries of the country and the scientific associations throughout the world, thus diffusing knowledge among men.

One result of this transmission of the publications of the Institution is eminently worthy of regard in considering the means of administering the will of the testator. These books thus sent out are regarded as "exchanges," and thus they insure to the Institution returns from every corresponding society in the world that publishes its proceedings, and a single publication of a thousand copies of any memoir by the Smithsonian Institution is likely to insure to the shelves of its library numerous copies of different scientific works from sister associations abroad, so that the very expenditure in that branch of the Institution is the means of supplying the books for a library instead of its becoming the occasion of diminishing the means of supplying that branch. And it should be added that the works received in exchange are those which go to supply to the Institution a portion of the very kind of information most suited to its character and objects and insuring to its officers and frequenters detailed reports upon branches of science that might otherwise have remained undeveloped.

The city of Washington may rejoice in the multiplication of general libraries, and the young may frequent the Smithsonian Institution for duplicates of amusing volumes which they have seen in the Congressional Library, and the latest novel or the last essay may find its place on its shelves, to the augmentation of its catalogue and the diminution of its funds; but it will scarcely be claimed in behalf of such a collection that it is a selection suited to the views of Smithson or in accordance with his will.

The committee, unable at present to pursue further their inquiries into a subject of so much importance to the hopes of the scientific, beg leave to present the following resolutions:

*Resolved*, That having accepted the trust conferred by the last will and testament of James Smithson, and having experienced inconvenience from a former investment of a part of the funds of that trust, the United States will best promote the object of the testator and secure the prosperous and profitable action of the Smithsonian Institution by retaining the funds of that Institution in the public Treasury and allowing the same interest now paid for the use of those funds.

*Resolved*, That it is expedient to enlarge the permanent fund of the Institution by the investment of such sums, not exceeding \$125,000, as may have been or shall be received for accrued interest or otherwise, in addition to the principal sum of the Smithsonian bequest, and that the said additional sum of \$125,000 be received into the Treasury of the United States upon the same terms as those upon which the original fund is now held.

## FREE POSTAGE.

*January 24, 1854—House.*

Mr. CHARLES W. UPHAM, from the Committee on the Post-Office and Post-Roads, reported the following bill:

A bill granting the franking privilege to the Superintendent of the Coast Survey and the assistant in charge of the office of said Coast Survey.

Mr. DANIEL MACE. I move that the bill be so amended as to provide for the grant of the franking privilege to the Secretary of the Smithsonian Institution in addition to the officers already named.

Mr. E. B. OLDS. The proposition contemplates the giving of the franking privilege to the Coast Survey. The Committee on the Post-Office and Post-Roads have permitted it to be reported to the House from the fact that we had seen no good reason why the head of that Bureau—for it is, in fact, a bureau—should not have the franking privilege as well as the heads of the other bureaus. At the same time, however, that I give my assent to the report of this resolution, I wish to say that my own opinion, and I believe that such will be the opinion of the committee, is against the franking privilege altogether; and perhaps before the session is closed we shall propose a bill abolishing it.

Mr. MACE. I think, sir, that I would myself be in favor of the abolition of the franking privilege; but if it is to exist and appertain to sundry officers of the Government and to members of Congress I see no case more meritorious than that of the Secretary of the Smithsonian Institution to which that privilege could be extended. That is an institution for the diffusion of general knowledge throughout the whole country. By various acts of Congress we vote to it numerous public documents, which can not be distributed unless some member of Congress will volunteer to go there and frank them. Such is the practice, and I have myself, at the instance of Professor Henry, spent days there in franking public documents for that Institution.

The design has been to forward to our constituents throughout the land documents for their information. The Secretary of that Institution ought to have the privilege of franking them, and not be, as now, subjected to the inconvenience of calling upon the members of Congress to do that job.

A MEMBER. Who is the Secretary?

Mr. MACE. I am told that Professor Henry is the Secretary. I do not propose to elaborate this question at all. It is a simple one. If we are to extend this privilege at all, we can not extend it to a more meritorious case than the one I have suggested.

Mr. G. W. JONES, of Tennessee. I move to refer the bill and amendment to the Committee of the Whole on the state of the Union, and that they be printed. And I will say that whatever may be the propriety of the bill as reported from the committee, I can see no justice and

no propriety in the amendment proposed by the gentleman from Indiana [Mr. Mace].

The Smithsonian Institution is not part nor parcel of this Government. It is a separate and distinct institution, quartered, it is true, on the Treasury at the rate of thousands of dollars per annum; and it should be kept, I think, as distinct as possible. There is no reason for giving this Institution the peculiar privilege of franking its documents over the country in preference to other institutions of learning in any part of the United States. And if you commence with this, where are you to stop? This is to be the entering wedge here at the seat of government. This is first to be made the favorite institution for establishing the precedent to confer the franking privilege on all the institutions, perhaps, of the country. And I will say to the gentleman from Indiana [Mr. Mace] that, according to my understanding and construction of the Post-Office laws, the member of Congress who franks a document weighing over 2 ounces, published by the Smithsonian Institution, violates the privilege conferred upon him under the laws of Congress.

Mr. MACE. Will the gentleman from Tennessee allow me to explain?

Mr. JONES yielded the floor.

Mr. MACE. I will state to the gentleman that the documents franked by me for the Smithsonian Institution were printed by order of Congress, and I had the same right to frank them as I had the other public documents printed by order of Congress.

Mr. JONES. If they were ordered by Congress, or by either House of Congress, then they were public documents and came within the law. And the gentleman from Indiana [Mr. Mace] and every other member had a right to frank them. But the documents printed by order of the Smithsonian Institution are not included among these privileged matters which members of Congress are authorized to frank; and, in my opinion, they should not be included. I now, Mr. Speaker, move the previous question.

Mr. E. A. WARREN. I move to lay the bill and amendment upon the table.

Mr. MACE. The gentleman from Massachusetts who reported the bill has urgently appealed to me to withdraw the amendment which I have proposed. I do now withdraw it.

There was no objection, and it was withdrawn.

*March 3, 1855.*

Post-Office act for 1856.

SEC. 5. *And be it further enacted*, That all books, maps, charts, or other publications, entered for copyright, and which, under the act of August 10, 1846, are required to be deposited in the Library of Congress, and in the Smithsonian Institution, may be sent through the

mails free of postage, under such regulations as the Postmaster-General may prescribe.

(Stat., X, 685.)

#### APPOINTMENT OF REGENTS

*By the Vice-President.*

*February 21, 1854—Senate.*

Mr. J. A. PEARCE offered resolution:

*Resolved*, That the vacancy in the Board of Regents of the Smithsonian Institution, occasioned by the expiration of the term of the Hon. R. M. Charlton, be filled by the President of the Senate.

Agreed to.

The President (Mr. JESSE D. BRIGHT) appointed Stephen A. Douglas to fill the vacancy.

#### APPOINTMENT OF REGENTS

*By the Speaker.*

*December 14, 1853—House.*

The Speaker (Mr. LINN BOYD) appointed James Meacham, of Vermont, William H. English, of Indiana, and David Stuart, of Michigan, Regents of the Smithsonian Institution.

#### APPOINTMENT OF REGENTS

*By Joint Resolution.*

*December 7, 1854—Senate.*

Mr. J. A. PEARCE, according to previous notice, asked and obtained leave to introduce a joint resolution to fill the vacancies in the Board of Regents of the class other than members of Congress, by the reappointment of the late incumbents, Rufus Choate, of Massachusetts, and Gideon Hawley, of New York.

The joint resolution passed in Committee of the Whole.

*December 22, 1854—House.*

Mr. JAMES MEACHAM. I wish to state that there is a bill upon the Speaker's table providing for the reappointment of Regents of the Smithsonian Institution. I will state that it is necessary to transact some business which can not be done without the reappointment of these Regents. I ask that the bill may be taken up and passed. It will take but a minute, and I hope there will be no objection.

Mr. W. R. W. COBB. I object.

After the intervention of some other business—

Mr. MEACHAM. I now ask the House to take up the bill for the reappointment of the Regents of the Smithsonian Institution and pass it. It will occupy but a moment.

Mr. T. B. FLORENCE. Oh, no; there is no quorum here.

*December 26, 1854—House.*

Mr. W. H. ENGLISH. I ask the unanimous consent of the House to take from the Speaker's table a Senate joint resolution proposing to appoint Rufus Choate, of Massachusetts, and Gideon Hawley, of New York, Regents for the Smithsonian Institution; and if the House will allow me, I propose to ask that the resolution may be put upon its passage.

I will state, as a reason why the resolution should be put upon its passage at an early day, that there is to be a regular meeting of the Regents of that Institution the next week, and it is desirable that there should be a full board upon that occasion. These gentlemen have been Regents heretofore, and I presume there will be no objection to their reappointment. I ask that the resolution may be taken up and put upon its passage.

The resolution was read.

*Resolved, etc.,* That the vacancies in the Board of Regents of the Smithsonian Institution of the class other than members of Congress, be filled by the reappointment of the late incumbents, viz, Rufus Choate, of Massachusetts, and Gideon Hawley, of New York.

Mr. S. G. HAVEN. I presume there is no objection to the passage of the resolution.

The resolution was passed.

*December 27, 1854.*

*Resolved, etc.,* That the vacancies in the Board of Regents of the Smithsonian Institution, of the class "other than members of Congress," be filled by the reappointment of the late incumbents, viz.: Rufus Choate, of Massachusetts, and Gideon Hawley, of New York.

(Stat., X, 722.)

#### DOCUMENTS.

*July 20, 1854.*

Joint resolution. One copy of the works of Thomas Jefferson to the Smithsonian Institution.

(Stat., X, 594.)

#### INTERNATIONAL EXCHANGES.

*July 20, 1854.*

\* \* \* Works of Thomas Jefferson, \* \* \* to the Joint Committee on the Library, for the purpose of international exchange, twelve copies.

(Stat., X, 594.)

#### CARE OF GOVERNMENT COLLECTIONS.

*July 22, 1854—Senate.*

The Senate having under consideration the civil and diplomatic bill, the following amendments reported by the committee were read:

For the preservation of the collections of the exploring expedition:

For compensation of keepers, watchmen, and laborers, \$2,980.

For contingent expenses, \$100.

Mr. T. G. PRATT. If I understand that amendment, the expenditure proposed by it is an annual one for the preservation of the collections of the exploring expedition.

Mr. R. M. T. HUNTER. The Senator from Maryland, over the way [Mr. Pearce], can explain this matter.

Mr. J. A. PEARCE. These collections have been, from the time they were received in this country down to the present period, under the charge of the Library Committee, who are very anxious to get rid of that responsibility. But there are other reasons why they should be transferred to the Commissioner of Patents. They are in the Patent Office building; they are under his eye. He is the proper officer to take care of them. He takes care of other things which are connected with them.

The sum appropriated, I will remark, is rather more, perhaps, than has been heretofore expended by the Library Committee for that purpose, for the reason that it will be necessary to erect additional buildings, and necessary to have an additional watchman, as there is now nothing to prevent burglars from getting into so much of the building as is now going on. I believe that all the allowances are economical; and I am very sure they are below those made in other departments of the Government. If we do not appropriate this money here, we shall have to appropriate the same sum of money to be expended under the care of the Library Committee. That is the only difference. That committee is not the proper body to take charge of the matter. They are not an executive body properly.

Mr. PRATT. I called attention to the matter because it struck me as being rather singular that there should be an annual appropriation of about \$3,000 for the purpose of preserving the curiosities collected by the exploring expedition. I do not know whether they are worth to the Government this annual expense. I only desired the explanation, as it struck my mind as curious.

Mr. PEARCE. As long as we keep them we must take care of them, and we can not take care of them with less expenditure. These are very interesting objects. There are 120,000 people who visit that building annually, and it seems to me that this is a very small expenditure to afford so much gratification to our people.

Adopted.

*July 31, 1854—House.*

Mr. G. W. JONES, of Tennessee. The Committee of Ways and Means recommend a nonconcurrency in the amendment of the Senate [July 22] relative to Government collections.

The amendment was nonconcurrent in.

*August 1, 1854—House.*

Mr. G. W. JONES, of Tennessee. The Committee on Ways and Means recommend a nonconcurrence in the one hundred and sixty-fifth amendment:

SEC. 22. *And be it further enacted*, That the collections of the exploring expedition, now in the Patent Office, be placed under the care and management of the Commissioner of Patents, who is hereby authorized to employ one principal keeper of said collections at an annual salary of \$900, one assistant keeper at an annual salary of \$750, one night watchman at an annual salary of \$600, and two laborers at annual salary each of \$365.

The amendment was nonconcurred in.

*August 3, 1854—House.*

The Senate having reinserted the section that the House nonconcurred in on August 1, Mr. G. S. HOUSTON said:

Upon examination of that amendment, Mr. J. A. Pearce, of the Senate committee, who is a member of the Joint Committee on the Library, assured us that these officers are now kept up and paid to have charge of this collection. The object of the amendment is only to relieve the Joint Committee on the Library from their responsibility concerning the matter. There is, I believe, an increase of one messenger, besides which it will cost no more money than under the present arrangement. The committee, therefore, report in favor of the House receding from its disagreement.

*August 4, 1854.*

Civil and diplomatic act for 1855.

For the preservation of the collections of the exploring expedition:

For compensation of keepers, watchmen, and laborers, \$2,980.

For contingent expenses, \$100.

(Stat., X, 532.)

#### REPORT OF THE SMITHSONIAN INSTITUTION.

*July 25, 1854—Senate.*

The PRESIDING OFFICER (Mr. JESSE D. BRIGHT) laid before the Senate a letter of the Secretary of the Smithsonian Institution, transmitting the annual report of the Board of Regents, which, on motion of Mr. J. A. PEARCE, was ordered to be printed; and a motion by Mr. T. J. RUSK to print 10,000 additional copies was referred to the Committee on Printing.

*July 28, 1854—Senate.*

Mr. R. W. JOHNSON, from the Committee on Printing, to whom was referred a motion to print additional copies of the eighth annual report of the Board of Regents of the Smithsonian Institution, reported resolution:

*Resolved*, That there be printed, for the use of the Senate, 10,000 extra copies of the eighth annual report of the Regents of the Smithsonian Institution, 500 of such copies to be given to the Secretary of the Smithsonian Institution for its use.

Agreed to.

*August 1, 1854—House.*

The SPEAKER (Mr. LINN BOYD) laid before the House a communication from the Secretary of the Smithsonian Institution, transmitting the annual report of the Board of Regents.

The SPEAKER. The annual report does not accompany the letter of the Secretary. The Chair understands that there is but one copy. It is very voluminous, and is now in the other end of the Capitol.

Mr. W. H. ENGLISH. I move that the communication and report be laid on the table, and ordered to be printed; and I move that 20,000 extra copies be printed, and that that motion be referred to the Committee on Printing. So ordered.

*August 2, 1854—House.*

Mr. R. H. STANTON, of Kentucky. I rise to a privileged question. I have a report from the Committee on Printing, which I desire to make. I believe that committee have the right to report at any time.

The SPEAKER. The gentleman is in order.

Mr. STANTON. I am instructed by the Committee on Printing to offer the following resolution:

*Resolved*, That there be printed 10,000 extra copies of the annual report of the Board of Regents of the Smithsonian Institution, including the minority report upon the distribution of the fund—7,000 copies for distribution by the members of this House and 3,000 for the use of the Institution.

Mr. G. W. JONES, of Tennessee. I move to lay that resolution upon the table.

The motion not agreed to.

The resolution adopted.

*March 1, 1855—Senate.*

The President pro tempore (Mr. DAVID R. ATCHISON) laid before the Senate a letter of the Secretary of the Smithsonian Institution, communicating the ninth annual report of the Board of Regents of that Institution; which was ordered to lie on the table and be printed.

A motion by Mr. RICHARD BRODHEAD to print 10,000 additional copies of the report was referred to the Committee on Printing.

*March 2, 1855—Senate.*

Mr. R. W. JOHNSON, from the Committee on Printing, reported the following:

*Ordered*, That 10,000 additional copies of the ninth annual report of the Board of Regents of the Smithsonian Institution be printed.

Mr. J. A. PEARCE. I move to amend that order by adding "twenty-five hundred of which shall be for the use of the Secretary of the said Institution."

Mr. JOHNSON. I am willing to accept that.

The amendment was agreed to; and the order, as amended, was adopted.

*March 3, 1855—House.*

Mr. WILLIAM H. ENGLISH. Mr. Speaker, what disposition was made of the annual report of the Board of Regents of the Smithsonian Institution? Was there an order to print?

The SPEAKER (Mr. LINN BOYD). The report was laid upon the table and ordered to be printed.

Mr. ENGLISH. Has there been a motion made to print the usual number of extra copies?

The SPEAKER. There has not; but that motion is now in order, and will go to the Committee on Printing.

Mr. ENGLISH. I submit that motion.

The proposition for the printing of extra copies of the report was referred to the Committee on Printing.

Mr. SAMUEL RUSSELL. I am instructed by the Committee on Printing to offer the following resolution:

*Resolved*, That there be printed six thousand extra copies of the annual report of the Smithsonian Institution—four thousand for the use of members, and two thousand for the Institution.

Adopted.

METEOROLOGY—JAMES P. ESPY.

*July 25, 1854—House.*

The House having under consideration as in Committee of the Whole the navy appropriation bill—

Mr. S. G. HAVEN said: I offer the following amendment, not by direction of the committee, for I take it that the committee is against me:

To enable the Secretary of the Navy to pay the salary of Professor James P. Espy for the current fiscal year, ending thirtieth June, 1855, \$2,000; payment to be made in the same manner and under like control as former appropriations for meteorological observations.

Mr. J. S. PHELPS. I rise to a question of order on the amendment.

Mr. HAVEN. Let me state just why I think the amendment is in order. Similar appropriations are to be found in the navy appropriation bills for the last three or four years. You will find it referred to in the report of the Secretary of the Navy, President's message and accompanying documents, page 302. On page 393 the committee will find a letter from Professor Espy, from which I will read a short extract. After detailing the duties which he has performed in reference to collecting and collating meteorological observations that have been made at the military posts in the country, he uses the following language in his letter to the Secretary of the Navy:

I have already finished collating the years 1849, 1850, and 1851, with the exception of the third quarter of 1849 and the third quarter of 1851. These quarters I shall finish by the end of the present year, and if you so direct, the report for these three years can be handed in to Congress. But I respectfully suggest that a report on this subject would be greatly increased in value by even a small increase of time

contained in it; and I should be pleased if you would allow the report to be withheld from Congress till its second session, at which time the year 1852 would be embodied in it.

This man has been regularly and continuously employed; and you will find, in the cases referred to, that the Secretary of the Navy has made the recommendations of which I have spoken. You will find by referring to page 112 that this appropriation of \$2,000 a year was not only made for that year, but for the year previous. In the act of the last session, at page 221, you will find that the same appropriation was made, and in the precise way in which it has been made in every particular case. I now offer this amendment, because my friend from Georgia [Mr. Stephens], who is my colleague upon the Committee of Ways and Means, told me that he had always attended to it, and he intrusted it to my hands now. I wish to perform that trust faithfully, as it is an appropriation which I think ought to be made. It is certainly one which has been adopted as an amendment to this bill for the last half dozen years.

The CHAIRMAN. The Chair would inquire whether the office was established by law?

Mr. HAVEN. Certainly; and this man is in the employment of the Government. He is now engaged in making a report.

Mr. PHELPS. I differ with the gentleman as to the fact whether the office was established by law. I admit that in two or three naval appropriation bills an amendment was passed making provision for the prosecution of meteorological surveys, but those appropriations were only made from year to year. There is no such officer provided for by law. His term of office expired the 1st of July, and there is no law providing for the continuation or further prosecution of these meteorological surveys. It is for these reasons that I raise the question of order.

Mr. HAVEN. I will not say whether I am right or wrong in reference to this matter; but I do say that for a series of years appropriations have been made from year to year for this purpose, contained precisely in the same words as my amendment. This man is in the public employment——

Mr. WM. SMITH, of Virginia. Will the gentleman say whether the office of Mr. Espy, who used to be called the "Storm King," is an office created by law?

Mr. HAVEN. The question which my friend from Virginia puts me has reference to the designation of the man that fills the office—"Storm King," as he says—rather than to the employment in which he is engaged. I can not say whether there is such an officer as the head of a bureau of meteorological surveys, but I do understand that the law has made provision for this office. I have pointed to the place where provision is made for the office, and for paying the man who has been employed under the law to fill it.

The CHAIRMAN. If the Chair understands the facts of the case, this was a special service for which the appropriation was made; and the service and office expire with the exhaustion of the appropriation. The amendment would not, therefore, be in order under the rule established.

Mr. HAVEN. Allow me to say one thing further. When the Secretary of the Navy called the attention of the House to this matter——  
[Loud cries of "Order!" "Order!"]

The CHAIRMAN. Does the gentleman appeal from the decision of the Chair?

Mr. HAVEN. I do; and I desire simply to say that ever since I have been in this House——

Mr. PHELPS. I rise to a question of order. There is an appeal pending, and no debate is in order.

Mr. R. H. STANTON. I desire to make a suggestion. This is in continuation of works which have already been commenced. These observations have been carried on for a series of years.

[Cries of "Question!" "Question!"]

The CHAIRMAN. The question is, "Shall the decision of the Chair stand as the judgment of the committee?"

The question was taken, and the decision of the Chair was not sustained; there being, on a count, only thirty-one in the affirmative.

The CHAIRMAN. The question is on the amendment submitted by the gentleman from New York [Mr. Haven].

Mr. D. STUART, of Michigan. I move to amend the amendment of the gentleman from New York [Mr. Haven] by increasing the appropriation \$1.

I have moved the amendment merely for the purpose of enabling me to ask one or two questions, to which I ask the attention of the gentleman from New York. There is now an officer employed by the Smithsonian Institution whose duty it is to receive and to make all these meteorological calculations, and to report upon them. Reports are sent from all the different military stations in the country to him. He is employed at present in getting out a work upon this subject at the expense of the Smithsonian Institution. What I want to know is, whether these are the same services upon which Professor Espy is employed.

Mr. HAVEN. I can only answer the gentleman by reference to the documents. I know nothing of the computations of the Smithsonian Institution; but I doubt not the gentleman is correct in what he states.

Here is Professor Espy's letter:

IRVING HOTEL, *Washington, September 8, 1853.*

SIR: In answer to your letter of the 6th instant, requesting me to "furnish you a report of my labors, and their results, connected with the meteorological observations

conducted by me, under the direction of the Navy Department during the past year," I have to report progress as follows:

During the year, as in several former years, I have had access to all the meteorological journals kept at the various military posts by order of the Surgeon-General, and to all the journals procured by the Smithsonian Institution, which are very numerous, and embrace a very wide extent of territory, which, united to the journals of my own correspondents, furnish the means, such as the world never possessed before, of generalizing the phenomena of storms, and educing laws which apply to their origin, the direction and velocity of their motion, in the United States; the direction and violence of the wind in different parts of the storm at the same time; the state of the barometer in the storm and around its borders; the causes which produce these phenomena, and the means of predicting, in all great storms of dangerous violence, their approach in time to prepare for them. How much of all this I have already done, and how much remains to be done, and with what prospect of success, you will judge by examining my previous reports to the Department.

The plan which I adopted in these reports, in collating the meteorological journals, was to exhibit to the eye, on skeleton maps of the United States, the various phenomena of the winds and rains and barometric fluctuations by appropriate symbols, so that, by a glance, it might be seen where a storm was raging, how far it extended, in what direction, and with what violence the wind blew in its borders, and beyond; how the barometer stood within and beyond its borders, and how far, and in what direction, the center of the storm had moved by the next day at the same hour. This plan I have not seen proper to change in the report now in progress for the Department.

I have already finished collating the years 1849, 1850, and 1851, with the exception of the third quarter of 1849 and the third quarter of 1851. These quarters I shall finish by the end of the present year; and, if you so direct, the report for these three years can be handed in to Congress. But I respectfully suggest that a report on this subject would be greatly increased in value by even a small increase of time contained in it; and I should be pleased if you would allow the report to be withheld from Congress till its second session, at which time the year 1851 would be embodied in it.

Whatever you direct me to do on this shall be done to the best of my ability.

Very respectfully, your obedient servant,

JAMES P. ESPY.

Hon. J. C. DOBBIN.

These calculations are of very great service to science. They are the handmaid to the great business in which Lieutenant Maury is engaged. It seems that Professor Espy has access to the journals kept at the various military stations in the country, to all the journals received by the Smithsonian Institution, and besides that, has a very large correspondence of his own from which he deduces his facts, and reports to the Secretary of the Navy.

Mr. STUART, by unanimous consent, withdrew his amendment to the amendment.

Mr. S. G. Haven's amendment was then agreed to.

*August 5, 1854.*

Act for naval service for 1855.

To enable the Secretary of the Navy to pay the salary of Professor James P. Espy, for the current fiscal year, ending June 30, 1855, \$2,000: the payment to be made in the same manner and under the like control as former appropriations for meteorological observations.

(Stat., X, 584.)

*March 3, 1855.*

Act for naval service for 1856.

To enable the Secretary of the Navy to pay the salary of Professor James P. Espy, for the current fiscal year, ending June 30, 1856, \$2,000; the payment to be made in the same manner and under the like control as former appropriations for meteorological observations.

(Stat., X, 677.)

#### EXPLORING EXPEDITION.

*August 4, 1854.*

Civil and diplomatic act for 1855.

Department of the Interior.—That the collections of the exploring expedition, now in the Patent-Office, be placed under the care and management of the Commissioner of Patents, who is hereby authorized to employ one principal keeper of said collections at an annual salary of \$900, one assistant keeper at an annual salary of \$750, one night watchman at an annual salary of \$600, and two laborers at an annual salary each of \$365—\$2,980.

(Stat. X, 572.)

To enable the Joint Committee on the Library of Congress to replace the seven volumes and atlas of the exploring expedition destroyed by the burning of the Library, and the plates and other property destroyed by the fire in Philadelphia, including binding, \$9,010.75.

(Stat. X, 547.)

*March 3, 1855.*

Civil and diplomatic act for 1856.

For completing the publications of the works of the exploring expedition, \$29,320.

(Stat. X, 668.)

#### RESIGNATION OF MR. RUFUS CHOATE—POLICY OF THE INSTITUTION— INVESTIGATION.

*January 17, 1855—Senate.*

The President (Mr. JESSE D. BRIGHT). I lay before the Senate a communication from Hon. Rufus Choate, one of the Regents of the Smithsonian Institution:

*To the Senate and House of Representatives:*

I take leave to communicate to the two Houses of Congress my resignation of the office of Regent of the Smithsonian Institution.

It is due to the body which has been pleased to honor me with their trust for some years, and has recently conferred it for a new term, to say that this step is taken not from any loss of interest in the welfare of that important establishment, but in part from the inconvenience experienced in attending the meetings, and in part also, and more immediately, from my inability to concur or acquiesce in an interpretation of the act of Congress constituting the actual Institution and the Board of

Regents, which has been adopted, and is now about to be practically carried into administration by a majority of the board. That act, it has seemed to me, peremptorily "directs a manner" and prescribes a plan according to which it intends that the Institution shall accomplish the will of the donor.

By the earlier law accepting the gift Congress engaged to direct such a manner and to devise such a plan and pledged the faith of the United States that the funds should be applied according to such plan and such manner. In fulfillment of that pledge, and in the performance of its inalienable and incommunicable duty as trustee of the charity, that body, after many years of deliberation—from which it never sought to relieve itself by devolving the work upon the discretion of others—matured its plan and established the actual Institution to carry it out. Of this plan the general features are sketched with great clearness and great completeness in the law. Without resorting for aid in its interpretation to its parliamentary history, the journals and debates, the substantial meaning seems to be palpable and unequivocal in its terms. By such aid it is rendered quite certain. A Board of Regents is created to administer it. Some discretionary powers, of course, are given to the board in regard of details and in regard of possible surpluses of income which may remain at any given time, while the plan of Congress is being zealously and judiciously carried into effect; but these discretionary powers are given, I think, in trust for the plan of Congress and as auxiliary to, cooperate with, and executory of, it. They were given for the sake of the plan, simply to enable the Regents the more effectually and truly to administer that very one, not to enable them to devise and administer another of their own, unauthorized in the terms of the law, incompatible with its announced objects and its full development, not alluded to in it anywhere, and which, as the journals and the debates inform us, when presented to the House under specific propositions, was rejected.

Of this act an interpretation has now been adopted by which, it has seemed to me, these discretionary means of carrying the will of Congress into effect are transformed into means of practically disappointing that will and of building up an institution substantially unlike that which it intended, which supersedes and displaces it, and in effect repeals the law. Differences of opinion had existed in the board from its first meeting in regard of the administration of the act; but they were composed by a resolution of compromise, according to which a full half of the annual income was to be eventually applied in permanence to what I deem the essential parts of the plan of Congress. That resolution of compromise is now formally rescinded, and henceforward the discretion of the Regents, and not the act of Congress, is to be the rule of appropriation, and that discretion has already declared itself for another plan than what I deem the plan of Congress. It may be added that, under the same interpretation, the office and powers of secretary are fundamentally changed from those of the secretary of the law, as I read it, and are greatly enlarged.

In this interpretation I can not acquiesce; and with entire respect for the majority of the board, and with much kindness and regard to all its members, I am sure that my duty requires a respectful tender of resignation. I make it accordingly, and am your obedient servant,

RUFUS CHOATE.

WASHINGTON, D. C., *January 13, 1855.*

Mr. J. A. PEARCE. Mr. President, I desire to make a suggestion in regard to the disposition which shall be made of this paper. Before I do so, however, I ask the indulgence of the Senate while I submit a very few remarks.

The paper, sir, is one of unusual character. It purports to be a resignation by a gentleman holding a public trust under the appoint-

ment of Congress, and assigns reasons for the resignation. The first is the inability of the party resigning to perform the duties of his trust; that is to say, to attend the meetings of the institution, without which attendance he can not perform the duties of his trust; quite a sufficient reason, and one which, perhaps, has been of equal weight for the last seven years as now. The second reason is his inability to concur with the majority of the Board of Regents in the interpretation which they have given to the statute establishing the Institution. If the letter of resignation had terminated there I should not have had a word to say; but it goes much farther. It is, in effect, nothing more than we have seen in the public prints for the last year, though of course in very different language, and instigated by purposes very different from those which I hope and believe actuate the retiring Regent.

It sets forth, sir, that Congress has established a plan for the conduct of this Institution, has prescribed a manner in which the Regents shall manage its affairs; that the act sketches with clearness and completeness the principal features of this plan; that they are quite apparent without reference to the parliamentary history of the act; that with that they are unmistakably clear. Then he charges that the majority of the Board of Regents, who have the misfortune to differ from the retiring Regent, have subverted that plan established by Congress, have departed from the manner in which Congress prescribed that the affairs of the Institution should be conducted, and diverted the application of the funds from the objects prescribed in the law, have appropriated them to objects not mentioned in the law, incompatible with the prescribed objects, and not warranted, either by the letter or spirit of any of its provisions; that thus the Board of Regents have substituted their will for the will of the National Legislature, and have, in effect, repealed the act of Congress.

Sir, these are very grave charges. I happen to be one of those who have been thus contumacious, who have thus endeavored to subvert the will of the National Legislature, and to repeal the act of Congress for the faithful execution of which I had pledged everything which a man of honor could pledge by the acceptance of the trust. Sir, I can not but feel sensibly the reproach conveyed in this letter, and I feel it not only sensibly, but with something of indignation. I have one consolation, however. I do not stand alone in the interpretation which I have given to this act. I am consoled for differing from the brilliant parliamentary and forensic orator who is the author of this letter by reflecting that I am sustained in my opinion by men of such weight of character as can not well be exceeded in this country. Let me mention a few of them. In the first place, I will mention him who holds the first rank as a jurist in the United States; first, unquestionably, in position, and, as I believe, not surpassed either in the variety and

extent of his legal learning, the vigor and acuteness of his logical faculties, or the purity of his professional and private life, by any man in this country or elsewhere. I mean Chief Justice Taney, with whom I consider it to be exceedingly fortunate that I concur in opinion on this question.

Next, sir, I may be allowed to mention a gentleman from Georgia, a member of General Jackson's Cabinet, his first Attorney-General, for many years a distinguished ornament of this body, and now, in spite of years somewhat advancing, retaining all the vigor of those physical and intellectual faculties which made Mr. Wirt characterize him thirty years ago as a man of splendid ability, and who at this time maintains, as he has done for thirty years, a proud position in the front ranks of his noble profession. I mean Mr. Berrien, of Georgia.

Then, sir, I may mention a gentleman who was also once an Attorney-General of the United States, Secretary of the Treasury, and minister to England and to France, himself more intimately connected with this Institution than any other person whom I know, having been the agent appointed by the Government of the United States to proceed to London and prosecute the suit in chancery upon which the determination of this fund depended; a gentleman of ample ability, of high cultivation, and mature experience. I mean Mr. Richard Rush, of Pennsylvania.

I shall not, in his presence, bestow any eulogium upon my friend, the honorable Senator from Virginia [Mr. Mason], who is one of those who have concurred with me. But even in his presence I may say this much: That for many years—more, perhaps, than he would be glad to acknowledge—he has been engaged in a large and successful practice, and in the higher walks of his profession; and that this furnishes some small reason to infer that he is quite competent to construe an act of Congress.

Of the other members of the Board of Regents who concur with me I need not make mention further than to say that, though not legal men, they are all men of great eminence in this country, and their eminence has been recognized in the high public positions which they have occupied and still occupy and adorn.

As I have said before, sir, this is some small consolation to me for venturing to differ from Mr. Choate, who so unqualifiedly condemns all those who oppose him. There is something rather peremptory, I think, in the manner in which he announces his opinion in regard to the construction and violation of this law. I do not find it qualified by the expression of the possibility of any misconstruction on his part; by the admission that intelligent and honorable men might well differ in regard to that construction. Far be it from me, sir, to impute to those who differ from me any want of intelligence and sincerity. The Senator who sits beside me [Mr. Douglas] is one who

differed from me in the Board; but nothing has ever occurred because of that difference to diminish the respect which I entertain for himself, his talents, and abilities.

Well, now, let us see for a moment what are those requirements of the law which, in the opinion of Mr. Choate, the Regents have neglected or violated. The act organizing the Smithsonian Institution has prescribed certain definite objects, due attention to which the Regents undoubtedly are bound in good faith to pay. It has required us to erect a building such as was described in the act—a building upon a large and liberal scale, sufficient for the reception and arrangement upon that scale of collections of natural history, including a geological and mineralogical cabinet, a museum, library, chemical laboratory, a gallery of art, and lecture rooms. These are all the objects specified in the act.

There is another clause in the law which authorizes the Board of Regents to apply such funds of the Institution as are not specifically appropriated by the act, or required for the purposes mentioned in it, to such other purposes as they may deem best suited to carry out the purposes indicated in the will of Mr. Smithson, the founder of the Institution. That is the clause to which, I presume, Mr. Choate refers when he says there are some discretionary powers, which he seems to think very insignificant, and which are given to the Regents, in his opinion, only to enable them to carry out the details of the plan prescribed by the act of Congress or as merely subsidiary to the general authority which Congress had bestowed upon the Regents in regard to the library, museum, and gallery of art.

But, sir, while Congress has thus prescribed generally the features which they chose to give to this Institution, I apprehend it will be found on an examination of the instrument that the discretionary powers conferred upon the Regents are far larger than those ascribed by the retiring Regent. The Board of Regents have recognized fully and constantly the obligation upon them of every requisition contained in that law, and I think they have faithfully fulfilled those requisitions. They have erected the building required by law; they have designed and completed it upon a large and liberal scale. They have made provision for the collection and arrangement of objects of natural history. They have made appropriations for a library, and have made a beginning with a gallery of art. They have established a chemical laboratory, which is one of the objects enjoined in the act; and they have provided lecture rooms specified in the law. They have not appropriated a very large portion of the funds of the Institution for the library, though, in this respect, the amount applied has been far greater than is generally supposed; and that is, after all, the real gist of the controversy.

It is singular that in the act of Congress there is a limitation upon

the appropriations for a library and no limit to the appropriations which may be made for any other of the designated objects. The limitation in the library expenditure was rather inappropriately added to one of the sections of the bill to which it was not germane. It forbids the application of more than \$25,000 per annum to that purpose; but the act does not anywhere require the Regents to expend annually that amount. It establishes no minimum below which they shall not fall in their appropriations, but it simply establishes a maximum beyond which they shall not go. That has been done by Congress in regard to the library, but in regard to no other object of expenditure. Well, sir, the Regents, in their discretion, have not thought it necessary or expedient to expend the whole amount of the sum to which they were limited by that provision of the act, and hence, I think, all the difficulties in regard to this matter. They could not understand the words "not exceeding \$25,000" to mean not less than \$25,000, or to mean nearly \$25,000, or to signify anything else than that such was the utmost limit of expenditure authorized by the act for this purpose. The words necessarily imply that the Regents might expend less than that sum, and the question how much less was one purely for their discretion.

The Regents supposed that when the act of Congress made it their imperative duty to provide a suitable building, with proper and necessary lecture rooms, Congress did not mean those lecture rooms to be empty and voiceless. They supposed that the lecture rooms could only be used by employing lecturers and causing lectures to be delivered. They thought that a necessary and irresistible inference. They did not suppose that this was any strained construction, any forced implication, but that it followed as necessarily as light follows the rising of the sun. As the provision for lecture rooms was mandatory, there was not even a discretion as to lectures. They were a matter of course, and the Regents would have been justly censurable if they had failed to adopt this necessary means of giving utility to the lecture rooms.

Congress further made it the imperative duty of the Regents to establish a chemical laboratory. For what purpose? Why, I presume, for physical researches. If not for that, then for no purpose. It was idle and nugatory in Congress to require the Regents of the Smithsonian Institution to establish a chemical laboratory if they were to make no researches. For the purpose of illustration of lectures a little apparatus would have been all-sufficient. The Regents have felt themselves bound to encourage researches, and have considered that they were authorized not only to direct researches in physical science but to publish them, for this Institution, we must remember, is "for the increase and diffusion of knowledge among men," and if we are bound to have a chemical laboratory, and if we are as necessarily bound

to cause researches to be made, I would ask, Of what use are the researches; how shall we increase and diffuse knowledge of them among men if we seal them up and do not publish them to the world? As the collections of natural history would be nothing more than a show if we were satisfied with merely placing and arranging them in a museum, we think that they should be described. They can best be made available for the increase and diffusion of knowledge by causing them to be described by scientific men in memoirs, such as are published by the Institution. We have thought, then, that publication was as necessary a result, from the express powers of the grant, as any other duty which the Regents had to perform.

We did not think that the sole limit of our power. We did suppose that, under the large discretion given in the ninth section of the act, it was the Regents who were to consider how much of the funds of the Institution were properly to be applied to the objects specified by the act. Since Congress itself has not told us how to apportion the funds of the Institution among those objects, it followed, therefore, that the Regents must have a discretion in that regard, and if they have a discretion, where is the limit? Nowhere, except that we may not expend more than \$25,000 on the library in any one year. Then we supposed the general provisions of that ninth section, which gave us the right to apply the funds not wanted for the other objects in such manner as we might think most conducive to the purposes of Smithsonian's will, were ample enough to justify us in instituting researches and making publication of the results.

Here is the section in question:

SEC. 9. *And be it further enacted*, That of any other moneys which have accrued, or shall hereafter accrue, as interest upon the said Smithsonian fund, not herein appropriated, or not required for the purposes herein provided, the said managers are hereby authorized to make such disposal as they shall deem best suited for the promotion of the purpose of the testator, anything herein contained to the contrary notwithstanding.

It does not confine the discretion of the Regents to the details necessary in carrying out the specified objects, but extends it to other objects, being such as they shall deem best suited for the promotion of the purpose of the testator; that is, the increase and diffusion of knowledge among men. So that it is not, as Mr. Choate supposes, merely a trust for the designated objects, but for such other purposes as correspond with the intention of the will, anything else contained in the act to the contrary notwithstanding. Under the authority of this section, we have thought proper to stimulate researches not prosecuted within the walls of the building nor confined to specimens of natural history deposited in its collections. They are described in the plan of organization, and include historical, ethnological, and statistical inquiries, meteorological observations for solving the problem of

American storms, and experimental problems in electricity, light, etc. To this may be added the publication of reports on the new discoveries of science of a character highly useful and practical.

It has been supposed, sir, that the true interpretation of this act could be found by going outside of the law. Mr. Choate has intimated in his letter that if we look at its parliamentary history we shall see what is its true interpretation. I understand to what he refers. The original bill was introduced into the House of Representatives; a substitute was offered for the bill reported by the committee; that substitute was amended by striking out some of its provisions and inserting one or two others, which do not affect this question. The intimation is that if we look to the proceedings of the House of Representatives (not of the Senate, because in the Senate there was no discussion of the bill, and the amendments offered and rejected do not furnish evidence of the construction given to it by that body) we shall find that such amendments were made as are inconsistent with the construction which the Regents now give to the act. Principally they were two. There was a specific provision requiring professors and lecturers to be employed. That was stricken out. Very true; but then there was left in the bill the provision for lecture rooms, which I think I have shown imperatively required that there should be lectures and of course authorized the employment of persons to lecture.

Then there was a provision in regard to researches and publications—that was stricken out too, but I think I have shown that the duty of the Regents was to institute researches and make publications under the law as it stands. And when we look at the circumstances attending the striking out of those provisions we find this to be the fact. The provision in regard to researches and publications authorized Congress to call upon the Regents at any time to cause those publications to be printed and supplied to members of Congress to be distributed as public documents. Now it may very well have been that those who voted to strike out this provision were induced to do so by the single item of it which I have just mentioned, or they may have thought these provisions superfluous, being well supplied by the large discretionary powers given in the ninth section, which I have quoted. It is, however, neither according to legal rules nor right reason to look to the speeches and proceedings of the legislature for the construction of a statute which is itself the embodiment of the legislative will, and furnishes copious sources of construction by the examination and comparison of its various provisions and the admitted purpose of its enactment. Certain it is that the striking out of those specific provisions can not invalidate the general grants of power, and the necessary implications from those grants, which I have mentioned.

Now, we have a library of 15,000 volumes, for the most part com-

posed of the most valuable works pertaining to all branches of human knowledge, besides 10,000 parts of volumes, and pamphlets. Their literary and scientific value is to be weighed, not counted. The money value of our library is estimated by the officers of the Institution at \$40,000. We have a museum, the money value of which is estimated at \$30,000. We have apparatus valued at \$10,000.

This is what the Regents have done in direct pursuance of the objects prescribed by Congress; and the other things which they have done—the publications they have made—they suppose not to be incompatible with the expressed objects of an institution “for the increase and diffusion of knowledge among men,” not to be violative of the letter or spirit of the law, but to be wholly consistent and in harmony with it and auxiliary to the objects which are provided for in the law. The publications not only diffuse knowledge among men, but they bring back to us in liberal abundance the transactions and publications of learned societies in other countries, and thus furnish us with valuable works pertaining to all branches of knowledge, many of which are not to be purchased with money, and enable us to carry out one requirement of the law—the gradual formation of a library.

In regard to the resolutions of compromise, to which Mr. Choate has referred, the repeal of which is the great ground of complaint, here allow me to say—for I will not consent to detain the Senate much longer—those resolutions were passed at the organization of the Institution. They proposed an equal, or nearly equal, division of the funds of the Institution between the objects specified in the law and the auxiliary objects which we are justified by the letter and the spirit of the law, as I think I have shown, in pursuing. Well, sir, it occurred to the Regents recently—for some time past it has been a matter of consultation among them—that it would be well to repeal those resolutions of compromise; that there was no propriety in the Board of Regents, at the commencement of the organization of the Institution, tying their own hands and those of their successors, so as to compel a particular scale of appropriation throughout all time. It has been supposed to be right to leave them unfettered, so that they may annually make appropriations such as are in their judgment according to the intrinsic importance of the objects appropriated for and in fulfillment in good faith of the purposes of the law, for that we have never lost sight of. Now let me read to the Senate one of the resolutions adopted by the board, which are the cause of Mr. Choate's resignation. One repeals the compromise resolutions which I have mentioned; the other is in these words:

*Resolved*, That hereafter the annual appropriations shall be apportioned specifically among the different objects and operations of the Institution in such manner as may, in the judgment of the Regents, be necessary and proper for each, according to its intrinsic importance and a compliance in good faith with the law.

That is the resolution which is considered as subverting the plan established by Congress; as repealing, in effect, the act of Congress, and setting up the will of the Regents in place of the will of the National Legislature!

Something is said in the letter about the greatly augmented powers of the Secretary of the Institution. I know of no augmentation of the power of the Secretary. A question has arisen as to his right to discharge one of his assistants. The board had determined that he has a right to discharge any of his assistants without a reference to the board. They, however, have a controlling authority over the whole subject; and if the Secretary should abuse his power in that respect they would remove him, as they can at any time remove all or any of his assistants or the Secretary himself. I may add, sir, that the Secretary of the Institution is a gentleman, as well as widely known to the world of science; a profound philosophic scholar, and a man of pure and stainless life.

Mr. President, considering the form in which this matter has been brought before us—as a solemn appeal from a retiring member of the Board of Regents to the Senate and to the public—it has seemed to me that it would be proper that the Senate should investigate the subject. It has occurred to me that it would be proper to appoint a special committee for that purpose. I make the suggestion, but I do not submit any motion. If I were to submit such a motion, according to parliamentary usage I should be put on the committee as chairman—a position which I could by no means think of accepting. It would, I think, be neither delicate nor in any respect proper that a member of the Board of Regents should sit in judgment on his own cause and over his fellows from whom he has differed. I throw out the suggestion, however, with the hope that some Senator will submit the proper resolution.

Mr. J. M. MASON. Mr. President, I regret that the learned and distinguished gentleman who has declined further service in this public trust should have accompanied his resignation by a communication of the character which has been commented on by the honorable Senator from Maryland. I regret it, because it is impossible that such a communication should be allowed to pass in silence when addressed to the Senate, where are found some of those who have been associated in that trust with the writer of the letter. I regret it, because it is unpleasant and ungrateful to speak of the opinions or conduct of those who are absent; but I feel at liberty to do so on the present occasion, because the gentleman who has written this letter has chosen to challenge opinion here.

Now, sir, what has been done? A Regent of the Smithsonian Institution, who has been connected with it, I believe, from the foundation of the Institution, occasionally as a member of this body, chosen a

Regent by the vote of the Senate, and occasionally as a citizen at large, clothed with the high honor (for it is a very high honor) of an administrator of this trust, has declined further service; and has assigned as one of the reasons, and as this paper alleges the dominant reason for declining it, that he does not agree with his associates in their mode of administration. I do not feel at liberty to say that such a course of conduct would not be expected of one so honored, because the gentleman who wrote the letter is absent, but I should say that, according to my ideas of what is due to the trust, if he believed there was maladministration, it was the very last occasion when he should have resigned; he should have remained there in order that the inquiry which he has provoked might be conducted in his presence and, to some extent, under his guidance.

But, sir, he has resigned the trust, and in doing so he has shot a Parthian arrow at those who were associated with him. What is the character of his letter? None can read without being struck with its tone, which was so justly animadverted upon by my co-regent, the honorable Senator who has just addressed you. I have been accustomed, Mr. President, to find in that profession to which I belong, and of which I am a very humble member, that, whether at the bar or on the bench, the surest, the soundest, and the ablest intellect gives its judgment with diffidence, courtesy, and respect for the opinions of others. I have generally found, too, in my experience of the world that the soundest judgment is the judgment which is accompanied by such diffidence. Now, what is the tone of this communication? The confident tone of Sir Oracle—of one whose judgment can not be impugned, and should not be questioned. “I can not be wrong,” says the writer of this paper, in substance, “let others vindicate their judgment if they can.” This is what he says, and he has assigned as the startling reason for resigning this trust that he differed from his associates in the construction of an act of Congress; there is no impropriety even hinted in the conduct of his associate Regents; but he rests it exclusively on the ground that they have misinterpreted the law which created the trust, and there is no appeal from the decision of the learned gentleman who pronounces the judgment. That is infallible.

Sir, I have known instances—others, more experienced than I am, have known of more—where the judgment is found darkened in the flashes of a brilliant mind; a mere rhetorician should never aspire to the judgment seat. I would appeal to the experience of the world to say whether there is not an infirmity attendant upon such minds, which never admit that they may be wrong. The calm, sedate, deliberate, slow, and cautious mind brings you to a correct conclusion; and, when attained, submits it with deference and respect to those who are to pass upon it. Confidence—that confidence which precludes doubt—does not belong to those who are capable of pronouncing judgment.

Mr. President, I shall not go over the ground so lucidly occupied by the very able gentleman who preceded me, with whom I have been associated in this trust. It is a pure, a high, and honorable trust, one conceived by a noble mind—the late James Smithson. He pursued science as the great mistress of his affections; he pursued it to his grave; and he left behind him this legacy. To whom? He had the world to choose from. He was an Englishman. He had never been upon this continent. He possessed a large fortune. The high benevolence of his nature determined him, when he left the world, to devote that fortune, in the hands of others, to the pursuit of science, when the world closed upon him. As I have said, he had the world to choose from, and he signalized this country and its institutions by his choice. He left his fortune to the United States, in trust for the establishment of an institution at Washington, “for the increase and diffusion of knowledge.” Where? In Washington? In the United States? Upon this continent, broad as it is? No; “amongst men” is the language of the trust.

If I am capable of reading the signs of the times, there are those, of whom we have plenty, heaven knows, around us everywhere, who look upon a public fund, no matter to what object it has been devoted or how small the trust, as a thing to be scrambled for and appropriated by the first needy or lucky adventurer. For the last twelve months the newspapers have been full of intimations, coming generally from the northern and eastern sections of the country, throwing suspicion and doubt upon the management of this trust, intimating that it has been perverted from its original purpose; in substance, that it was in improper hands, and should be taken from them; invoking, in some insidious manner, the action of Congress upon the subject; and all for what? To get hold of the fund. What use was to be made of it after it was thus obtained those best know who join in the pursuit. Let me be understood. I ascribe no such motive to the very learned and distinguished writer of the letter before us. I have the honor only of a very formal acquaintance with him; but I know his history and his character, and that assures me he can never lend himself to any unworthy purpose; but yet I have strong reason to believe that, if the objects which he seems to have in view could be obtained, this pure and simple trust, which has been accepted by the American people, would be debased into a mere pecuniary job.

Sir, the letter of Mr. Choate unfortunately brings back into the halls of Congress the great controversy which attended this fund when it was first brought into the country. There was a great struggle for it among the men of science, in the mechanic arts, and in other of the useful and honorable pursuits of life. The parliamentary history to which the writer has referred in the letter shows it. There were those who believed that this fund should be devoted exclusively to a library,

to a great collection of books—books in every department of science, of art, and belles-lettres. The writer of this letter shows that he was one of those who desired so to devote it; to a library—a library, to the exclusion of everything else—a collection of books. I am free to believe and declare that I entertain no doubt this learned and distinguished gentleman believed that the best mode of increasing knowledge, as well as diffusing it amongst men, was to establish a library. But suppose it were done. There is an annual revenue derived from the Smithsonian fund of some \$30,000 or \$40,000. So much is to be devoted, in perpetua, I suppose, to the purchase of books, which are to be stored here on shelves in the city of Washington, and who is to read them? Why, sir, the members of Congress have little time to read the books which accumulate here in the public library. The citizens of Washington form a very small portion of the people of these United States; and thus this great trust, which was intended for mankind, would be limited to the walls of Washington.

There is another great objection to it. Books are derived from booksellers. Booksellers are connected with bookmakers, and bookmakers and booksellers with that hungry legion who all live, and of whom some grow rich, on the spoils of genius and industry. Then there are the paper makers, and the book printers, and publishers, and the stereotypists, all, all, would be hovering around this fund, to say nothing of factorage, commission, foreign travel to pick up rare works, and the ten thousand jobs that follow in such a train where money is to be spent by law in large, annual, stated sums to buy books; and at last what would you have done? Why, you would have taken this great, noble, beneficent donation to mankind and converted it into a fruitful job for every race of needy and artful adventurers.

Sir, if a library is to be established at Washington for public use, vote the money from the Treasury. Smithson did not intrust this fund to you for such a purpose, or he would have said so in his will, and he has not said it.

I have said that it is unfortunate that this matter should again be brought before the Senate. The battle was fought here for years. That parliamentary history to which the writer of the letter has had reference shows it. He claims that under the true interpretation of the act of Congress the library scheme prevailed. A majority of those who have been associated with him in the Board of Regents have decided otherwise. They understand the law to mean that discretion is vested in the Board of Regents to build up a library in this great Institution in such manner and at such time as they shall find most conducive to the great objects of the trust. That is all. Sir, this battle should not be fought over again. I trust we shall not present to the European world, whence this fund is derived, the spectacle that at this early day, when the streams of light and knowledge which I hope

are to flow from this Institution have hardly yet made their appearance, that we are scrambling indecently over the cradle of the trust.

I have said, Mr. President, that this is a pure trust. There is fortunately no emolument of any kind attendant upon its administration. I have been for some years honored by the Senate of the United States as one of the managers of that trust. I conceive it to be a very high honor. It is because of the duty which I owe to the trust thus committed to me that I detain the Senate for a few moments.

I perceive that the subject has been taken up in the other House at the instance of one of the Regents [Mr. Meacham], an honorable member there, who, as the journals have been published, it is now fair to say voted with the writer of this letter. On his motion a committee has been raised, which is, perhaps, proper enough, but I must say, with very great respect for that body, that the committee has been vested with very extraordinary power for such an inquiry—the power “to send for persons and papers.” This would seem to convey an imputation that the body of gentlemen who are charged with the administration may require a police officer or a messenger from this Capitol to get from them papers or other evidence. I regret it, sir; but straws show how the wind blows, and this strange and exigent demand of power for the committee has its own meaning, which time may disclose.

I am indisposed, sir, to commit myself as to any present disposition of this paper, and I submit, therefore, to the honorable Senator from Maryland that for the present it would be better to allow it to lie on the table until it can be considered by the Senate what disposition should be made of it.

Mr. J. A. PEARCE. I beg leave to say, in regard to the suggestion of the honorable Senator from Virginia, that I remain of opinion that this paper should be referred to a select committee of this body. I do not think that the fact that it is the subject of investigation by a committee of the House of Representatives should operate to prevent us from committing it to a committee of our own body. I have no doubt that House took such action as seemed to them to be proper, but I submit, with due respect to the House of Representatives, that, no matter what may be the action of that House, it is for the Senate to act independently. However, I make no motion for reference to a select committee, because I am a member of the Board of Regents, and I do not wish to sit in judgment on my own cause or over my fellow Regents.

Mr. STEPHEN A. DOUGLAS. I regret, Mr. President, that there should have been a necessity, in the estimation of any gentleman, to bring the affairs and management of the Smithsonian Institution before Congress for its action. As has been stated by the honorable Senator from Maryland, in terms kind and respectful, I am one of

those who had the misfortune to differ from a majority on the decision of the various questions referred to in this paper. I do not read the letter of Mr. Choate in the same sense with my colleagues who represent the Senate in that Institution [Mr. Pearce and Mr. Mason] in regard to its spirit. I am unable to perceive that there is anything disrespectful or unkind, either in the terms of the letter or in the mode in which he has expressed his ideas. I have listened to that gentleman in the discussion before the Board of Regents with admiration for his ability and his eloquence, and with equal admiration for that high courtesy which characterized everything that he said and did. Although there is a firmness and a directness in which he has expressed his opinions in the letter of resignation, I am unable to perceive that there is either an arrogance or anything else which ought to be considered disrespectful. After expressing his opinions and stating the construction of a majority of the board he says:

In this interpretation I can not acquiesce; and with entire respect for the majority of the board, and with much kindness and regard to all its members, I am sure that my duty requires a respectful tender of my resignation.

In other places in expressing his opinion he says: "The law, it seems to me, is so and so." I think there is a respect and kindness running through the whole letter which should characterize one gentleman of high attainments and bearing toward another who is his equal, accompanied, however, with the firm conviction on his part that the law has not been interpreted in that sense in which it should have been according to its terms.

I confess, sir, that I concur fully in that firm conviction of his, and I do not hesitate to express it boldly and plainly; and yet I am incapable of entering an unkind feeling, or giving expression to an unkind innuendo, or of entertaining for a moment a doubt but that each and every Regent has acted conscientiously according to his sense of duty. It is a case where there is a diversity of opinion; where each gentleman intrusted with the exercise of discretion, where discretion was necessary, and interpretation where interpretation was necessary, has performed his duty conscientiously as he read it in the law. Still, I must say that my interpretation of that law is different from that of the honorable Senator from Virginia and the honorable Senator from Maryland and of a majority of the Regents. It is also true that the gentleman whose great name and many public services and private and public virtues have been so well portrayed by the Senator from Maryland concurred with the majority, and to that extent the weight of authority is cast in the scale against the side which I embraced. I do not wish to detract one iota from the high eulogium which the Senator has pronounced on those gentlemen. With all respect for them and for their opinions, I must take the law itself as my rule of guidance while performing a trust imposed on me.

It may be that my mind is somewhat biased by the proceedings, discussion, and action in the House of Representatives when this Institution was established. I at that time participated to some extent, although in a small degree, in the proceedings which took place in regard to the creation of the Institution. I at no time allowed my feelings to become enlisted, much less excited, on the subject. But when all the various plans were presented there for the organization of the Institution, and especially the library plan as a principal feature, not an exclusive one, in antagonism to a plan that the library should be a subordinate feature, or that there should be no library at all, it is my firm conviction that Congress by its action did sanction the policy of a library as a principal, but not an exclusive, feature in the Institution. In other words, the plan proposed by Mr. Marsh, of Vermont, in opposition to that of Mr. Hough, of New York, did prevail, and the main features of Mr. Marsh's plan tended to the establishment of a library. The library plan, as it was called, having prevailed, there was a limitation on the amount of funds to be devoted to that plan inserted in the law, which was that out of the \$30,000 of income of the Institution not exceeding \$25,000 should be appropriated to the library.

I do not hold that the Regents are compelled to appropriate to a library the sum of \$25,000 each year, but I do hold that the law in its terms, when carefully examined, contemplates the library as a prominent object in the Institution, and that at least a majority of the funds should be expended in the building up of the library. That is my interpretation. I am aware that when the Institution was first organized these same diversities of opinion arose, and a compromise was effected by which it was agreed that the funds should be equally divided. When I came into the Institution, a few months ago, as one of its Regents, I was willing to abide by that compromise. I could not have agreed to it originally, because I think the fair interpretation of the law contemplated that the larger portion of the fund should be applied to the establishment of a library; but as they made an equal division, I was willing to acquiesce in it, in order to avoid the appeal which is now made to Congress and to the country, and thus perhaps endanger to some extent the reputation of the Institution.

I expressed these opinions to my brother Regents freely, but, I trust, with proper respect. I differed from their opinion. Such was, such is, my conviction. I did not deem it my duty to resign because I was overruled. I was willing to acquiesce in the decision, because I had not the power, according to the law, to override it, and because every other Regent had the same right which I had to express and entertain his opinion. Yet, sir, when the question arises, no matter how often it may arise, whether that interpretation of the law which

has been given by the board be a correct one, until I change my opinion, or until Congress shall modify the law, I must adhere to my original convictions.

I regret, sir, that there should be the slightest feeling displayed in this discussion. Really, a charitable fund for such high and noble purposes ought to be administered in a spirit of kindness and charity. I can not accede, therefore, to any intimation that those who act with me, or those do not concur in the interpretation which has been given to the law, are actuated by any but the highest and purest motives.

Mr. J. M. MASON. Does the Senator understand that anything fell from me to question the motives of the gentlemen who differed from us in that matter?

Mr. S. A. DOUGLAS. I do understand that the Senator from Virginia supposed it to be prompted by improper motives, to get possession of the fund, on the part of some persons.

Mr. MASON. I thought I was understood. I said that unless I misconstrued the signs of the times, this great and eager anxiety out of doors, manifested by popular and inflammatory addresses through the public press, showed that there was an earnest demand outside to get hold of the fund. I never expressed, for I certainly never entertained, a doubt that honorable gentlemen who differed with me in our judgment as to the construction of the statute were actuated by as stern a sense of duty as I was. I have always so expressed it.

Mr. DOUGLAS. Mr. President, then I understand the Senator as not impugning the action or motives of any of the Regents with whom he has been associated; but I must say that I have not seen anything to leave an impression on my mind that whatever action was prompted out of doors meant to get possession of this fund, or to squander it, or to apply it to any improper purposes. On the contrary, I believe it arises from that same feeling which has been evinced in the differences of opinion which have existed from the time the Institution was first proposed to be organized up to this day as to what was the true application of the fund. Those who supposed that their opinions had received the sanction of Congress in the organic law of the Institution now think that that object has been defeated by a wrong construction given to that organic law. It is a firm conviction, as I believe, on their part, that the law has not been carried out according to its terms. It certainly has not been according to their understanding of its terms. I believe that there is no portion of our community, certainly there are no persons entitled to notice, who would wish to pervert this fund to any other object than that to which it was dedicated by Smithson's will. I believe the persons to whom the Senator referred are stimulated by the purest motives to carry out that object, under the conviction that the mode in which the trust is now being administered is neither in accordance with the will nor of the law. It is a difference

of opinion—a difference of opinion sincerely entertained—and one which we should, therefore, meet with the spirit of firmness, of candor, and of kindness.

I regret that the discussion has arisen rendering it necessary to go into an argument to show which is right and which wrong in the construction of the act. In fact, sir, I believe I will not allow myself to be drawn into an argument on that question. If this matter is to be referred to a committee, certainly any discussion of that question would be more appropriate after a report of the committee. I shall therefore content myself with saying that my firm conviction is that the only difference which has arisen in the management of the Institution is a difference on two points: First, as to what direction this fund ought to take; secondly, the belief that a direction has been given to it which is not authorized by the law creating the Institution. I am under the impression that some Regents have voted in the minority on this question, not because they believe the original plan adopted by Congress was the best, but because they felt themselves compelled, under the law as it stood, to vote as they did.

Mr. G. E. BADGER. Mr. President, I do not exactly agree in the suggestion thrown out by my friend from Maryland that it is necessary that the letter which is before the Senate should become the subject of investigation by a committee of this body; but I shall, notwithstanding, readily yield my own notions upon that subject to the wish he has expressed. Allow me, however, to present very briefly the views which have struck me on this occasion.

The very eminent and distinguished gentleman who has sent in this letter of resignation has assigned two reasons why he retires from assisting in the management of this trust fund. One is that he can not give the time necessary to attend the meetings of the Board of Regents. As has been said by my friend from Maryland, this is a full, ample, and perfect reason not only why he is excusable for retiring, but why it is his bounden duty to retire, for while he holds a place there the public has a right to expect him to give the necessary time to discharge its duties. So soon as he ascertains that he can not, consistently with his other engagements, give that time, he is bound to retire and to give way to some other gentleman who may have both the inclination and the power to render the service which the country expects from a member of that board.

I wish very sincerely, Mr. President, that the letter of resignation had there closed, because I, for one, am unable to give any appropriate character to the residue of the letter. It must be viewed in one of three aspects—either as an appeal to Congress from the judicial decision which has been pronounced by the Board of Regents upon the interpretation of that act, or as an appeal to Congress against the malversation of a certain class of public officers, to the extent that their

misconduct may be exposed and that some steps may be taken either for their punishment or removal, or else as an intimation that the distinguished gentleman who writes this letter thinks that there should be some amendment of the law by the intervention of the legislative power of the two Houses of Congress.

In regard to the first view I can not myself understand how this body or the other House of Congress is to exercise a judicial supervision upon the question of the interpretation of this law. It is our business to make laws; it is the business of other officers and classes of persons to expound and execute those laws. In a strict judicial sense we can not exercise any jurisdiction or supervision over the judgment which may be so pronounced; and therefore, considering the letter in that respect, it seems to me totally inappropriate to any functions which either this or the other House of Congress can legitimately exercise.

If it be considered as a letter intended to communicate to the two Houses of Congress malversation in the conduct of these public officers, however proper that application may be to the other House it is plainly out of place here. The other House, from what we learn of their published proceedings, seem to have taken the subject up in that idea—that this is an imputation by the writer of the letter that a gross abuse has been practiced by the majority of the Board of Regents in the administration of this fund; and they have accordingly raised a committee, referred the letter to the committee, and vested them with the power of sending for persons and papers—a power appropriate to the investigation, if the object be what I have just said, but utterly inappropriate and absurd supposing it to be a mere question of legislative inquiry with a view to found legislative action thereupon. If it is a question of the interpretation of a law, do you want to send for persons and papers to enable you to interpret a law? What papers will you send for to enable the committee of the House of Representatives to ascertain what is the meaning of this law? Do you want the statute? Surely the committee can get that without having power to send for papers. Do you want the proceedings which took place at the time when this law was enacted, the parliamentary history of it? Surely that can be obtained without a power in the committee to send for papers or for persons. But if you suppose the investigation is pursued for the purpose of ferreting out a delinquency, an abuse, a malversation, then that part of the resolution becomes all appropriate, and the object is to drag up witnesses and compel them to testify to the conduct of the perpetrators in this stupendous fraud, not only on the law of the country, but on the noble charity which they are appointed to administer. If that be the aspect in which this subject is taken up, we have nothing to do with it; we should not commit ourselves in advance upon it; for, suppose the proceedings of the House

of Representatives should result in preferring articles of impeachment, for example, against the Chief Justice, it would be very indelicate and improper for us in advance to form and deliver a solemn opinion upon the question whether there was just cause for the impeachment.

Then there is only one other respect in which this residue of the paper can be supposed, as it seems to me, to be intended to have any influence upon Congress, and that is that the honorable and distinguished gentleman who writes this letter, knowing that we have no judicial power over the interpretation of the law, and therefore can not by any judgment of ours ascertain that what has been heretofore done in its interpretation has been done wrongfully, in a judicial sense, and knowing that it is not a proper subject for an investigation with a view to a criminal prosecution by impeachment, sends it to the two Houses of Congress as a recommendation that they shall institute an inquiry with a view to an amendment of the law. In this latter view it strikes me as exceedingly inappropriate for any gentleman not a member of these bodies, or one of them, and not coming here in the character of a petitioner asserting a claim against the Government, to undertake to advise us of the propriety of further legislation.

I say, therefore, Mr. President, that I regret very much that this truly distinguished gentleman, of whom the American people have reason to be proud as one of their sons, gifted as he is and distinguished as he has been in his past course, did not content himself with resigning his position for the very ample and sufficient reason which he first gives—that he is unable to discharge the duties required of him. I regret it also because, if I collected the scope of that letter accurately from its reading—for I had not seen it before—it seems in any view to present this state of the case: The writer meets with his brother Regents; a certain question arises, What shall be done in the management of the institution? That inquiry involves a question as to the just interpretation of the law; the best and the legal means of carrying out the great purpose of the donor. That matter is the subject of discussion and debate among them. The majority of the Regents decide against him, and immediately he retires from the Institution and interposes an appeal to Congress against the majority of the body of which he is a member.

Again, sir, it seems to imply this: Distinguished and elevated as that gentleman is, and high and important as are the services which he has rendered to his country, and which he is now able to render in this or any other station to which the voice of his countrymen or the public authorities may call him, I think the whole tone of that part of the letter slightly exaggerates the importance to the public of the event which it communicates, namely, his retiring from the Board of Regents.

Besides, considering also—for I think my friend from Illinois did

not succeed exactly in vindicating that part of the letter—the suggestion which my friend from Maryland made, that there is a tone of confidence, of unmistakable and mistaken certainty, with which the distinguished writer announces his opinions upon the interpretation of this law, which I think my friend from Illinois will pardon me for saying at least borders a little, very little, upon the confines of arrogance, for I beg my friend to consider against what an array of judgments the opinion of that distinguished writer is given.

Mr. S. A. DOUGLAS. Consider the names on the other side.

Mr. G. E. BADGER. The names on the other side have not been yet given; but I am very certain that my friend before me [Mr. Douglas], whose name is one of them—and it is a name of weight and authority in this country and elsewhere, where it is known—is one of the last persons who would announce his opinion without the expression of some deferential conception that, after all, perhaps he might be mistaken. Now, I must say—I think it is due to truth and the occasion to say, and I believe the whole Senate will agree with me—that, whether the distinguished writer be correct or not in his opinions, that part of the letter is in very bad taste.

Believing, Mr. President, that there is nothing for us to do but accept the resignation of this gentleman, and to accept it with regret because of his eminent talents and high position and undoubted patriotism, and therefore his capacity and willingness to be useful, I should think that the subject might be allowed to drop; but, nevertheless, I yield to the suggestion of my friend from Maryland. He has intimated that he desires that this should be the subject of investigation, and I am willing to move that it shall go to a committee, but I am not prepared to say that it is proper on this occasion to select a special committee. This is a question of judicial interpretation—of legislation to be founded upon a judicial interpretation—if the committee in the Senate shall be of opinion that the Regents have mistaken the true construction of this law. We have a committee, a standing committee of this body, composed of eminent lawyers, abundantly able to reexamine this subject so far as it needs reexamination, and so far as this House has any jurisdiction over it. I am not, therefore, for passing over that committee upon a judicial question to raise any select committee. It is a question of law—the interpretation of a statute. If we are not satisfied with the judgment given in the Board of Regents; if such a board of men, aided in their opinions by the illustrious Taney, do not convey to us a conviction that a statute has been rightly interpreted, let it go to that committee of this body. It is a proper organ to examine and investigate and report upon strictly legal inquiries. I therefore move the reference of this paper to the Committee on the Judiciary.

Mr. W. H. SEWARD. Mr. President, I should not speak at all on

this question if it were not that I think the Senate has a duty to discharge to itself and to its dignity. I need not say that I entertain as profound a respect and admiration for the distinguished gentleman who sent this communication here as any other person in the House or in the country. I take the occasion thus early to say that I have formed no opinion upon the merits of the question which has been raised by that communication. I deem it my duty, as far as possible, to hold my mind free and open for the purpose of forming an opinion hereafter.

Sir, I can not consent for one member of this body to send this communication to the Committee on the Judiciary or to a select committee, because, although I believe it to have been intended with the best motives and to have been entirely unexceptionable in the view of the writer, yet I think it is derogatory from the dignity of the Senate. What is it, sir? It is a resignation of an officer. Every citizen of the United States has a right to hold an office if he can get it, and certainly every citizen of the United States holding an office has a right to resign it, and it is not necessary for him, in order to be relieved from the burden of the office, to assign any reason or excuse whatever. Whatever may be said by way of apology, or excuse, or reason, or justification does not alter the character of the act itself. It is an absolute resignation. It is complete. It is final. The Senate has nothing to do but to file it. It is done. The Senate can not compel the individual to retain his office. They can not ask him to take it back again, however high he may be. They can reappoint him, but they must receive his resignation as a complete act.

According to my humble judgment, what this retiring Regent ought to have done was to send a letter to the President of the Senate, saying, in so many words, "Sir, I resign the office of Regent of the Smithsonian Institution." It is true that a Regent, like every other public officer, has a right to inform the public and to inform Congress, if he pleases to do so, of the grounds why he declines a further continuance in the discharge of a public trust, but that should be, not by a letter explaining his reasons for his resignation; but it should be done through the public press or otherwise, so as not to make the table of the Senate bear the burden of all personal, and political, and other explanations of persons retiring from public office.

It is manifest that the honorable and distinguished gentleman has not considered the legal nature and the official character of the act he was performing. I say, then, this resignation was complete and absolute when the words "I resign this office" were written; but that is not the whole of the communication. We are, besides, favored with an explanation of the reasons why he resigns. This is either for the information of the public (and if so, it ought not to have been made to the Senate of the United States), or else it is for the purpose of

instructing the Senate in regard to the question which is discussed in the paper. If that honorable and distinguished gentleman wished to instruct the Senate upon the merits of the question out of which his resignation has arisen, he had the right to come before this body in a respectful manner, by petition, by memorial, or by official communication, as a Regent of the Institution; but he disclaims the privilege and the right of addressing us as a Regent of the Smithsonian Institution, because, in the very act of representing his views to the Senate, he resigns that office, and shows that he leaves the Senate and the country to take care of the question as they best may.

I think, then, that what is due to this occasion is to lay this letter on the table. Then, I agree with the honorable Senator from Maryland and the honorable Senator from Virginia, and others, that there is, in the occasion itself, in the subject-matter which has come to the knowledge of the Senate, that which may very properly require an inquiry. I think that inquiry ought to be made by the Senate out of regard to the public interests, the public welfare, and the honor and dignity of the country, and not upon a communication which is of so unusual and extraordinary a character as this.

MR. A. P. BUTLER. Mr. President, I do not know that I concur entirely in the conclusion of the honorable Senator from New York, but I must say that I agree, in the main, with the purport of his remarks. I hope that my friend from North Carolina will therefore withdraw his motion to refer this paper to the Committee on the Judiciary. What is the paper? It is the resignation of an office? If so, there it should terminate. Is it an accusation against those with whom this gentleman has been associated? If so, as my friend from North Carolina has remarked, I can not approve its taste. Is it for the purpose of bringing this subject into debate in the Senate? If so, I think its purpose mischievous. Is it for the purpose of making an issue in relation to this fund, which is calculated to involve perhaps, as has been intimated, different views in different parts of the country? If so, it is a purpose which is criminal.

In every point of view, whether I regard the taste of the paper as an accusation of those with whom this gentleman has been associated, or whether I regard it as designed to bring this subject into popular discussion, I can not approve its tone. I am bound to say that much; but if it be for the purpose of bringing the subject before the Senate, it can not be so effectually done as it would be by making the report of a committee the vehicle of his views. I hope, therefore, my friend from North Carolina will withdraw his motion to refer this paper to the Committee on the Judiciary.

MR. G. E. BADGER. I am satisfied, sir, after the remarks made by the honorable Senator from New York, that my first inclination on this subject was correct, and that is that we have nothing to do but

accept the resignation. I yielded, however, because my friend from Maryland, who occupies a peculiar and delicate relation to this subject, intimated his desire for a committee to investigate it.

Mr. J. A. PEARCE. Will my friend from North Carolina allow me to interpose?

Mr. BADGER. Certainly.

Mr. PEARCE. I am anxious that the question should be referred to a committee. I am quite content that the paper should be received and laid upon the table; but I do desire, as the Senator from New York has said, that the subject-matters which are referred to in the letter should be submitted to a committee of this body for consideration. I hope, therefore, that the proposition of the Senator from New York will be adopted and the paper laid on the table; and that some gentleman will move a resolution directing a committee (and I now prefer that it should be the Committee on the Judiciary) to inquire what, if any, action is proper to be taken by the Senate in regard to the Smithsonian Institution. That committee was organized at the beginning of the session without reference to this question. I am willing and desire that the matter should take the regular course and be referred to that committee, whose appropriate duty it is to construe the acts of Congress, which are drawn into question.

Mr. BADGER. I now withdraw my motion for reference, and move that the paper lie on the table.

Mr. J. B. WELLER. I am exceedingly anxious to terminate the debate and proceed to the consideration of some practical business. This question, however, ought to be decided. Here are three Regents of the Smithsonian Institution, who have brought to the consideration of the Senate the important fact that they differ as to the construction given to a law of Congress, or as to the proper mode of using the fund which they have been appointed to administer. Now, I think it very important that Congress should determine that question, because we have been notified by the debate to-day that that difference of opinion does exist; and after this paper shall have been disposed of, if no other Senator makes the motion, I shall submit one to instruct the Committee on the Judiciary to consider and report on this subject.

The PRESIDENT. The question is on the motion of the Senator from North Carolina that the paper lie on the table.

The motion was agreed to.

Mr. J. M. CLAYTON subsequently said: Mr. President, as the Senator from California [Mr. Weller] did not follow up his proposition, I desire to offer the following resolution:

*Resolved*, That the Committee on the Judiciary inquire whether any, and if any, what, action of the Senate is necessary and proper in regard to the Smithsonian Institution.

I believe that this resolution is in accordance with the general sentiment of the body. I do not purpose to debate it; but I will say now

that I hold it to be the duty of the Senate of the United States to sustain the Regents of this Institution, whenever the Senate thinks they are right. When an imputation is cast on those gentlemen it ought not to be left to be a matter of conjecture or doubt in the country whether the Senate thinks they ought to be sustained or not. For my own part, I do thoroughly concur in the opinion which has been given by a majority of the Regency. I have been of their opinion since the Institution was first established.

I had the honor, as a member of a committee of this body, some eighteen years ago, to report the bill, which was afterwards enacted into a law, accepting the bequest of Smithson; and I well remember that upon that occasion there was a diversity of sentiment in this body in regard to the propriety of accepting the bequest, for it was said confidently by some gentlemen that it would turn out that this Government was incapable of administering the fund as the testator intended. I was then of a different opinion, and I am now. I have observed with some interest the progress of this Institution, and the course adopted by the Regents, from the origin of the Institution, and their course has, on all occasions, so far as I have been able to understand it, met with my unqualified approbation.

The question which divided the Regency was one which arose in the very origin of the Institution. There were many gentlemen who thought the funds should be devoted to the purpose of a library. I never thought so. I undertake to say that was not the sentiment of the Senate which accepted the bequest. An institution whose object is to increase and diffuse knowledge among men, to be confined, or the greater part of its action to be confined, to the mere purchase of books—books to be placed here in this District, where they could be visited by gentlemen of wealth from abroad, to be sure, and where they could be searched and examined by persons who are on the spot! That, however, would be one of the most futile and, in my humble judgment, most ineffectual methods which could be devised to diffuse knowledge among men. The plan adopted by the Regency is one calculated to diffuse it among men in all parts of the civilized world.

But, sir, I will not take up the time of the Senate in discussing this question. The Committee on the Judiciary are fully capable of examining and deciding on judicial questions. I think they ought to make an inquiry, in order that if the Regents are right in the interpretation they have given to the law they should be sustained by the judgment of the committee and by the judgment of the Senate. I move the adoption of the resolution which I have submitted.

The resolution was considered by unanimous consent and agreed to.

*January 17, 1855—House.*

The Speaker (Mr. LINN BORD) laid before the House a communication received from Rufus Choate, resigning his office as Regent of the Smithsonian Institution.

The letter was read. (See Senate Proceedings, January 17, 1855.)

Mr. JAMES MEACHAM. I ask the unanimous consent of the House to introduce a resolution of inquiry, founded upon that letter; and upon the resolution I demand the previous question.

The resolution was reported:

*Resolved*, That the letter of Hon. Rufus Choate, resigning his place as Regent of the Smithsonian Institution be referred to a select committee of five and printed; and that said committee be directed to inquire and report to the House whether the Smithsonian Institution has been managed and its funds expended in accordance with the law establishing the Institution; and whether any additional legislation be necessary to carry out the designs of its founders; and that said committee have power to send for persons and papers.

Mr. W. H. ENGLISH. If I have the right to object to the reception of the resolution just proposed by the gentleman from Vermont [Mr. Meacham] I do so; and I move that the communication submitted by Mr. Choate be laid on the table, and ordered to be printed.

The SPEAKER. The resolution of the gentleman from Vermont, to refer to a select committee the letter which has just been read, is in order, in the opinion of the Chair. Upon the adoption of the resolution the gentleman from Vermont demands the previous question. It is in order to make a motion to lay the matter on the table.

Mr. ENGLISH. Then I make that motion.

Mr. MEACHAM. Will that motion carry the resolution with it?

The SPEAKER. It will.

Mr. MEACHAM. Am I not still entitled to the floor.

The SPEAKER. The gentleman from Vermont can not retain the floor after moving the previous question. It is in order for the gentleman from Indiana to make the motion he does, as it is a privileged question.

Mr. MEACHAM. The resolution I offer is simply one of inquiry, made in respectful terms, and it appears to me that there can be no objection to it. If the motion of the gentleman from Indiana is pressed I shall demand the yeas and nays.

Mr. THOMAS H. BAYLY, of Virginia. I ask my friend from Indiana to withdraw the motion to lay upon the table. The resolution ought to go to the Judiciary Committee, and the clause providing for sending for persons and papers ought to be stricken out.

The yeas and nays were ordered.

Mr. J. R. CHANDLER. I would ask whether the motion to lay upon the table includes the motion to print?

The SPEAKER. It does include that motion.

Mr. T. H. CLINGMAN. The motion to lay upon the table and print would be a debatable motion.

The SPEAKER. It would scarcely be debatable pending the demand for the previous question.

Mr. CLINGMAN. The demand for the previous question has not been seconded.

The SPEAKER. It could not be until there was a test vote.

Mr. CLINGMAN. If the gentleman from Indiana couples the motion to lay upon the table with the motion to print, I should think it would be debatable.

The SPEAKER. It can not be a debatable motion, for the reason that the previous question is demanded upon the adoption of the resolution. The demand for the previous question must be first disposed of before discussion can be had.

Mr. G. W. JONES, of Tennessee. I would remark that no person has called for a division of the question to lay upon the table and print.

Mr. ENGLISH. If I have the right to do so, I propose to modify my motion so as to lay the communication and resolution upon the table, and withdraw the motion to print.

The SPEAKER. The gentleman has a right to modify his motion and withdraw the motion to print.

Mr. ENGLISH. I then so modify my motion.

The SPEAKER. The yeas and nays have not been ordered upon the modification proposition.

Mr. BAYLY, of Virginia. The proposition being modified, how does the previous question apply?

The SPEAKER. The demand for the previous question will come up, should the House refuse to lay the resolution upon the table; and it cuts off debate until the House determine whether or not it will sustain the demand.

Mr. MEACHAM. I ask for the yeas and nays upon the modified motion.

The yeas and nays were ordered.

The question was then taken, and there were—yeas 81, nays 84; as follows:

YEAS—Messrs. Aiken, James C. Allen, Willis Allen, Thomas H. Bayly, Barksdale, Bell, Boyce, Breckinridge, Bridges, Caruthers, Caskie, Chandler, Chastain, Chrisman, Cobb, Colquitt, Craige, John G. Davis, Dawson, Disney, Drum, Dunbar, Eddy, Edgerton, Edmundson, John M. Elliott, English, Everhart, Faulkner, Franklin, Goode, Green, Greenwood, Hamilton, Sampson W. Harris, Hendricks, Hillyer, Houston, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kurtz, Lamb, Latham, Macdonald, Matteson, Maxwell, Millson, Morgan, Nichols, Orr, Packer, Pennington, Bishop Perkins, John Perkins, Phelps, Pringle, Reese, Thomas Ritchey, Robbins, Rogers, Ruffin, Shannon, Shaw, Shower, Skelton, George W. Smyth, Sollers, Frederick P. Stanton, Andrew Stuart, John J. Taylor, John L. Taylor, Nathaniel G. Taylor, Teller, Trout, Vansant, Walbridge, Walker, and Warren—81

NAYS—Messrs. Appleton, David J. Bailey, Ball, Bennett, Benson, Bliss, Campbell, Carpenter, Chamberlain, Chase, Clark, Clingman, Cook, Corwin, Cox, Crocker, Culom, Cutting, Thomas Davis, Dickinson, Ellison, Farley, Fenton, Flagler, Fuller, Goodrich, Goodwin, Grey, Grow, Aaron Harlan, Wiley P. Harris, Harrison, Haven, Hibbard, Hiester, Hill, Hughes, Hunt, Johnson, Kittredge, Knox, Letcher, Lilly, Lindley, Lindsley, McDougall, Mace, Macy, Maurice, Mayall, Meacham, Middleswarth, Murray, Nor-

ton, Andrew Oliver, Mordecai Oliver, Parker Peck, Pratt, Puryear, Ready, Rowe, Russell, Sabin, Sapp, Seward, Simmons, Samuel A. Smith, William R. Smith, Richard H. Stanton, Hestor L. Stevens, Stratton, Thurston, Upham, Wade, Ellihu B. Washburne, Israel Washburn, Wells, Tappan Wentworth, Westbrook, Wheeler, Yates, and Zollicoffer—84.

House refused to lay the resolution upon the table.

Pending the call—

Mr. JOHN KERR said: Is it in order to make an inquiry of the Chair at this time?

The SPEAKER. Only by the unanimous consent of the House.

Mr. KERR. There seems to be some misapprehension in regard to this matter. I suppose by laying the resolution upon the table that we do not accept the resignation of Mr. Choate.

The SPEAKER. The Chair understands the resignation to have been already received. The House received the letter, and it was read.

Mr. KERR. There seems to be some diversity of opinion in relation to the matter. My only desire is, that it shall be understood.

The question then recurred upon the demand for the previous question.

Mr. J. R. FRANKLIN. I would like to inquire of the Chair, if it is in order to move to refer this matter to the select committee already in existence upon the subject of the Smithsonian fund?

The SPEAKER. The demand for the previous question cuts off any motion, until the House determine whether they will second the demand.

Mr. FRANKLIN. I give notice that I shall make the motion to refer these papers to the select committee already existing upon the subject of the Smithsonian fund, which has this matter in charge, and is expecting to make a report upon it in a few days.

Mr. ISRAEL WASHBURN, sr., of Maine, demanded tellers on the second to the demand for the previous question; which were ordered; and Mr. Grey and Mr. Walker were appointed.

The House was then divided; and the tellers reported—ayes 74, noes 72.

There was a second; and the main question was then ordered to be put.

The question now being on the adoption of the resolution,

Mr. B. PRINGLE demanded the yeas and nays; which were ordered.

The question was then put; and it was decided in the affirmative—yeas 93, nays 91; as follows:

YEAS—Messrs. Abercrombie, Appleton, David J. Bailey, Ball, Banks, Bennett, Benson, Bristow, Bugg, Campbell, Carpenter, Chamberlain, Chase, Clark, Cook, Corwin, Crocker, Cullom, Curtis, Cutting, Thomas Davis, Dawson, De Witt, Dickinson, Eastman, Edgerton, Edmands, Ellison, Etheridge, Farley, Fenton, Flagler, Fuller, Goodrich, Goodwin, Grow, Aaron Harlan, Wiley P. Harris, Haven, Henn, Hiester, Hill, Hughes, Hunt, Johnson, Kittredge, Knox, Latham, Letcher, Lilly, Lindley, Lindsley, McDougall, Mace, Macy, Matteson, Maurice, Mayall, Meacham, Middle-

warth, Murray, Norton, Andrew Oliver, Parker, Peck, John Perkins, Pratt, Preston, Puryear, Ready, David Ritchie, Rowe, Russell, Sabin, Sapp, Simmons, Singleton, William R. Smith, Richard H. Stanton, Hestor L. Stevens, Stratton, Thurston, Upham, Wade, Walsh, Elihu B. Washburne, Israel Washburn, Wells, Tappan Wentworth, Westbrook, Wheeler, Yates, and Zollicoffer—93.

NAYS—Messrs. Aiken, James C. Allen, Willis Allen, Belcher, Bocock, Boyce, Breckinridge, Bridges, Caruthers, Caskie, Chandler, Chastain, Chrisman, Clingman, Cobb, Colquitt, Cox, Craige, John G. Davis, Dunbar, Eddy, Edmundson, English, Everhart, Faulkner, Florence, Franklin, Goode, Greenwood, Grey, Hamilton, Harrison, Hendricks, Hillyer, Houston, Ingersoll, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kurtz, Lamb, Macdonald, McMullin, McQueen, Maxwell, Smith Miller, Millson, Morgan, Nichols, Olds, Mordecai Oliver, Orr, Packer, Pennington, Bishop Perkins, Phelps, Powell, Pringle, Reese, Richardson, Thomas Ritchey, Robbins, Rogers, Ruffin, Sage, Seward, Shannon, Shaw, Shower, Skelton, Samuel A. Smith, George W. Smyth, Sollers, Frederick P. Stanton, Straub, Andrew Stuart, John J. Taylor, John L. Taylor, Nathaniel G. Taylor, Teller, Trout, Vansant, and Walker—91.

Resolution adopted.

Mr. JAMES MEACHAM. I move to reconsider the vote by which the resolution was adopted, and to lay the motion to reconsider upon the table.

Mr. T. B. FLORENCE. I call for the yeas and nays upon the motion to lay upon the table.

The yeas and nays were ordered.

The question was then put; and it was decided in the affirmative—yeas 94, nays 82; as follows:

YEAS—Messrs. Abercrombie, James C. Allen, Appleton, David J. Bailey, Ball, Banks, Barksdale, Barry, Bennett, Benson, Bristow, Bugg, Campbell, Carpenter, Chamberlain, Chase, Clark, Cook, Corwin, Crocker, Thomas Davis, Dawson, De Witt, Dickinson, Eastman, Edgerton, Edmands, Ellison, Etheridge, Farley, Fenton, Flagler, Fuller, Goodrich, Goodwin, Grow, Aaron Harlan, Sampson W. Harris, Wiley P. Harris, Hastings, Haven, Henn, Hiester, Hill, Hughes, Hunt, Johnson, Kittredge, Knox, Latham, Letcher, Lilly, Lindsley, McDougall, Mace, Macy, Matteson, Maurice, Mayall, Meacham, Middleswarth, Murray, Noble, Norton, Andrew Oliver, Mordecai Oliver, Parker, Peck, Bishop Perkins, John Perkins, Pratt, Puryear, Ready, David Ritchie, Rowe, Sabin, Sapp, Seward, Simmons, Singleton, William R. Smith, Richard H. Stanton, Hestor L. Stevens, Stratton, Thurston, Upham, Wade, Elihu B. Washburne, Israel Washburn, Wells, Tappan Wentworth, Westbrook, Wheeler, and Yates—94.

NAYS—Messrs. Willis Allen, Thomas H. Bayly, Belcher, Bell, Bocock, Boyce, Breckinridge, Bridges, Caskie, Chandler, Chastain, Chrisman, Cobb, Colquitt, Craige, John G. Davis, Drum, Dunbar, Eddy, Edmundson, John M. Elliott, English, Everhart, Faulkner, Florence, Franklin, Goode, Greenwood, Grey, Hamilton, Harrison, Hendricks, Hillyer, Ingersoll, George W. Jones, J. Glancy Jones, Roland Jones, Keitt, Kerr, Kurtz, Lamb, Lewis, Macdonald, McMullin, McQueen, Maxwell, Smith Miller, Millson, Morgan, Nichols, Olds, Orr, Packer, Pennington, Phelps, Pringle, Reese, Thomas Ritchey, Robbins, Rogers, Ruffin, Sage, Shannon, Shaw, Shower, Skelton, Samuel A. Smith, William Smith, George W. Smyth, Frederick P. Stanton, Straub, Andrew Stuart, John J. Taylor, John L. Taylor, Nathaniel G. Taylor, Teller, Trout, Vansant, Walker, Walsh, Warren, and Witte—82.

Motion to reconsider laid upon the table.

*January 18, 1855—House.*

The Speaker (Mr. LINN BOYD) announced the following as the members of the select committee raised for the purpose of investigating the management of the Smithsonian Institution:

Mr. C. W. Upham, of Massachusetts, Mr. W. H. Witte, of Pennsylvania, Mr. N. G. Taylor, of Tennessee, Mr. Daniel Wells, of Wisconsin, and Mr. R. C. Puryear, of North Carolina.

The SPEAKER. The Chair would state that the gentleman from Vermont [Mr. Meacham], at whose instance the committee was raised, was not placed on it at his own request. He is one of the Regents of the Smithsonian Institution and thought that under the circumstances he ought not to serve on the committee. Had he not requested to be excused from service he would have been put, according to custom, at the head of the committee.

*February 6, 1855—Senate.*

Mr. ANDREW P. BUTLER, of South Carolina, from the Committee on the Judiciary,<sup>1</sup> to whom was referred the resolution of the Senate directing said committee to inquire whether any, and if any, what, action of the Senate is necessary and proper in regard to the Smithsonian Institution, made report, which was ordered to be printed.

It seems to be the object of the resolution to require the committee to say whether, in its opinion, the Regents of the Smithsonian Institution have given a fair and proper construction, within the range of discretion allowed to them, to the acts of Congress putting into operation the trust which Mr. Smithson had devolved on the Federal Government. As the trust has not been committed to a legal corporation subject to judicial jurisdiction and control, it must be regarded as the creature of Congressional legislation. It is a naked and honorable trust, without any profitable interest in the Government that has undertaken to carry out the objects of the benevolent testator. The obligations of good faith require that the bequest should be maintained in the spirit in which it was made. The acts of Congress on this subject were intended to effect this end, and the question presented is this: Have the Regents done their duty according to the requirements of the acts of Congress on this subject?

In order to determine whether any, and if any, what, action of the Senate is necessary and proper in regard to the Smithsonian Institution, it is necessary to examine what provisions Congress have already made on the subject and whether they have been faithfully carried into execution.

The money with which this Institution has been founded was bequeathed to the United States by James Smithson, of London, to

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<sup>1</sup> Mr. A. P. Butler, Mr. Isaac Toucey, Mr. James A. Bayard, Mr. H. S. Geyer, Mr. John Pettit, and Mr. Robert Toombs.

found at Washington, under the name of the "Smithsonian Institution," an establishment "for the increase and diffusion of knowledge among men." It is not bequeathed to the United States to be used for their own benefit and advantage only, but in trust to apply to "the increase and diffusion of knowledge" among mankind generally, so that other men and other nations might share in its advantage as well as ourselves.

Congress accepted the trust, and by the act of August 10, 1846, established an institution to carry into effect the intention of the testator. The language of the will left a very wide discretion in the manner of executing the trust, and different opinions might very naturally be entertained on the subject. And it is very evident by the law above referred to that Congress did not deem it advisable to prescribe any definite and fixed plan, and deemed it more proper to confide that duty to a board of regents, carefully selected, indicating only in general terms the objects to which their attention was to be directed in executing the testator's intention.

Thus, by the fifth section, the Regents were required to cause a building to be erected of sufficient size, and with suitable rooms or halls, for the reception and arrangement, upon a liberal scale, of objects of natural history, including a geological and mineralogical cabinet; also a chemical laboratory, a library, a gallery of art, and the necessary lecture rooms. It is evident that Congress intended by these provisions that the funds of the Institution should be applied to increase knowledge in all the branches of science mentioned in this section—in objects of natural history, in geology, in mineralogy, in chemistry, in the arts—and that lectures were to be delivered upon such topics as the Regents might deem useful in the execution of the trust. And publications by the Institution were undoubtedly necessary to diffuse generally the knowledge that might be obtained; for any increase of knowledge that might thus be acquired was not to be locked up in the Institution or preserved only for the use of the citizens of Washington, or persons who might visit the Institution. It was by the express terms of the trust, which the United States was pledged to execute, to be diffused among men. This could be done in no other way than by publications at the expense of the Institution. Nor has Congress prescribed the sums which shall be appropriated to these different objects. It is left to the discretion and judgment of the Regents.

The fifth section also requires a library to be formed, and the eighth section provides that the Regents shall make from the interest an appropriation, not exceeding an average of \$25,000 annually, for the gradual formation of a library composed of valuable works pertaining to all departments of human knowledge.

But this section can not, by any fair construction of its language,

be deemed to imply that any appropriation to that amount, or nearly so, was intended to be required. It is not a direction to the Regents to apply that sum, but a prohibition to apply more; and it leaves it to the Regents to decide what amount within the sum limited can be advantageously applied to the library, having a due regard to the other objects enumerated in the law.

Indeed, the eighth section would seem to be intended to prevent the absorption of the funds of the Institution in the purchase of books. And there would seem to be sound reason for giving it that construction; for such an application of the funds could hardly be regarded as a faithful execution of the trust; for the collection of an immense library at Washington would certainly not tend "to increase or diffuse knowledge" in any other country, not even among the countrymen of the testator; very few even of the citizens of the United States would receive any benefit from it. And if the money was to be so appropriated it would have been far better to buy the books and place them at once in the Congress Library. They would be more acceptable to the public there, and it would have saved the expense of a costly building and the salaries of the officers; yet nobody would have listened to such a proposition or consented that the United States should take to itself and for its own use the money which they accepted as a trust for "the increase and diffusion of knowledge among men."

This is the construction which the Regents have given to the acts of Congress, and in the opinion of the committee it is the true one, and acting under it they have erected a commodious building, given their attention to all the branches of science mentioned in the law to the full extent of the means afforded by the fund of the Institution, and have been forming a library of choice and valuable books, amounting already to more than 15,000 volumes. The books are for the most part precisely of the character calculated to carry out the intentions of the donor of the fund and of the act of Congress. They are chiefly composed of works published by or under the auspices of the numerous institutions of Europe which are engaged in scientific pursuits, giving an account of their respective researches and of new discoveries whenever they are made. These works are sent to the Smithsonian Institution in return for the publications of this Institution, which are transmitted to the learned societies and establishments abroad. The library thus formed and the means by which it is accomplished are peculiarly calculated to attain the objects for which the munificent legacy was given in trust to the United States. The publication of the results of scientific researches made by the Institution is calculated to stimulate American genius, and at the same time enable it to bring before the public the fruits of its labors. And the transmission of these publications to the learned societies in Europe and receiving in return the fruits of similar researches made by them,

gives to each the benefit of the "increase of knowledge" which either may obtain, and at the same time diffuses it throughout the civilized world. The library thus formed will contain books suitable to the present state of scientific knowledge, and will keep pace with its advance; and it is certainly far superior to a vast collection of expensive works, most of which may be found in any public library, and many of which are mere objects of curiosity or amusement, and seldom, if ever, opened by any one engaged in the pursuits of science.

These operations appear to have been carried out by the Regents, under the immediate superintendence of Professor Henry, with zeal, energy, and discretion, and with the strictest regard to economy in the expenditure of the funds. Nor does there seem to be any other mode which Congress could prescribe or the Regents adopt which would better fulfill the high trust which the United States have undertaken to perform. No fixed and immutable plan prescribed by law or adopted by the Regents would attain the objects of the trust. It was evidently the intention of the donor that it should be carried into execution by an institution or establishment, as it is termed in his will. Congress has created one, and given it ample powers, but directing its attention particularly to the objects enumerated in the law; and it is the duty of that Institution to avail itself of the light of experience, and to change its plan of operations when they are convinced that a different one will better accomplish the objects of the trust. The Regents have done so, and wisely, for the reasons above stated. The committee see nothing, therefore, in their conduct which calls for any new legislation or any change in the powers now exercised by the Regents.

For many of the views and statements in the foregoing report, the committee are indebted to the full and luminous reports of the Board of Regents. From the views entertained by the committee, after an impartial examination of the proceedings referred to, the committee have adopted the language of the resolution, "that no action of the Senate is necessary and proper in regard to the Smithsonian Institution;" and this is the unanimous opinion of the committee.

*February 20, 1855—House.*

Mr. C. W. UPHAM. I wish, by the unanimous consent of the House, to ask for the appointment of a clerk to the Committee on the Smithsonian Institution. We have been at work nearly one month, most laboriously, and have been compelled to employ a clerk, and sometimes more than one. I have not had an opportunity to bring my motion for the appointment of a clerk before the House, because every morning gentlemen insisted on the regular order of business; and I now ask the House to allow that committee to employ a clerk.

[General cries of "Oh, yes; let them have a clerk."]

Mr. CHARLES HUGHES. If the House give unanimous consent to the gentleman's proposition, I will withdraw the motion to adjourn.

Mr. BISHOP PERKINS, of New York, and others. I object.

Mr. UPHAM. Then I move that the rules be suspended, to enable me to submit my proposition.

The SPEAKER pro tempore. That can not be done, as there is a motion to suspend the rules pending.

Mr. HUGHES. I now renew my motion to adjourn.

The question was taken; and the motion was agreed to.

*February 27, 1855—House.*

The House being in the Committee of the Whole on the state of the Union, Mr. WILLIAM H. ENGLISH, of Indiana, said:

I propose occupying the attention of the committee for a short time in submitting some practical remarks in reference to the present condition and management of the Smithsonian Institution. It is not a subject, sir, the introduction of which into Congress has received any favor from me. I regretted to see it brought here; and when the gentleman from Vermont [Mr. Meacham], upon a late occasion, introduced a resolution to raise a special committee of inquiry, I felt it my duty to oppose its adoption. I knew that such an examination would be attended with expense and a consumption of time which at that late period of the session could not well be spared from other and more important public business; that it would tend to irritate the feelings of gentlemen heretofore or now connected with the Institution, and, in a word, might do evil, but could not result in practical good. My knowledge of the subject satisfied me that nothing had occurred to demand the raising of a special committee, clothed with power to send for persons and papers, thus giving to the disappointed and dissatisfied an opportunity of assailing the Institution or its officers at the public expense.

Sir, I felt conscious then, as I do now, that the management has been such in all material respects as ought to elicit commendation. This I may say with the greater propriety and freedom for the reason that the causes which led to this investigation originated and were fully developed before my connection with the Institution as a Regent; a position, I may add, supposed to be of some honor, but certainly one of considerable labor, much responsibility, and no pecuniary benefit whatever.

That the management of an institution having so large an endowment and a design so comprehensive should occasion difference of opinion and difficulty is not surprising in the least. It would be more surprising were it otherwise. Whilst all concur in desiring the accomplishment of the great object Smithson had in view—"The increase and diffusion of knowledge among men"—the wisest and best may well differ as to the proper means to be used to attain that end.

Although not entirely approving all that has been done, I must say, in view of the vastness of the subject and that Congress was ten years

in adopting even the outlines of a plan, that the present condition of the Institution is not only encouraging but a subject of congratulation, rather than of censure, to those charged with the management of its affairs. Sir, I ask where there has been any material departure from the act of Congress or the will of Smithson? Have the funds been squandered or improperly applied? Is the Institution in debt or its income exhausted? Have the officers neglected their duty? Is there corruption or improper conduct in any quarter? Sir, it is an easy matter to criticise, to find fault, to indulge in loose statements and undefined insinuations, but I have yet to hear alleged any just and definite cause of complaint. Look at the financial department, where corruption would most likely exist if it existed at all, and you will find the gratifying fact that it has been so judiciously managed that, after paying all the current expenses, the funds and property are this day actually worth double the amount of the original bequest. Where, sir, in this age of extravagant expenditure of public money and deficiency bills, will you find a parallel to this?

The Regents are authorized to expend all the accruing interest; but so far from doing this they have, by husbanding the resources and by constant watchfulness over the disbursements, actually saved the sum of \$130,000, which they have now on hand to apply as a permanent addition to the principal. What, then, is the result? A magnificent building of ample dimensions has been erected at a cost of \$300,000. Books, apparatus, and other articles have been provided for the library, museum, laboratory, and gallery of art, worth \$85,000. Lecturers have been employed, original researches made, many valuable scientific works published and distributed, the current expenses entirely paid, and yet the principal is increased \$130,000. And of the interest expended I have yet to hear where one dollar was devoted to an improper purpose. Does this look as if the Institution was badly managed?

If I am asked, Mr. Chairman, what the Institution has done to carry out the object for which it was designed, I reply that it has not had time to do much. It is in its infancy. The building is but just completed, and it is not to be expected that a great establishment which is to exist as long as this Government itself, is to be built up in a day. The foundation is being laid deep and wide, and the noble work will gradually but surely advance.

But, sir, I think it can be shown that something has already been accomplished; that a good beginning, at least, has been made, especially in view of the limited annual income which, from the original fund, is less than \$31,000. Why, a single report of the Patent Office costs three times as much as the entire income of the Smithsonian fund for a year.

## MICROSCOPICAL SCIENCE.

Microscopical Examination of Soundings made by the U. S. Coast Survey off the Atlantic coast of the United States. By Prof. J. W. Bailey.

Microscopical Observations made in South Carolina, Georgia, and Florida. By Prof. J. W. Bailey.

Notes on New Species and Localities of Microscopical Organisms. By Prof. J. W. Bailey.

A Flora and Fauna within Living Animals. By Joseph Leidy, M. D. April, 1853.

## ZOOLOGY AND PHYSIOLOGY.

The Classification of Insects from Embryological Data. By Prof. Louis Agassiz. 1850.

Catalogue of the Described Coleoptera of the United States. By Frederick Ernst Melsheimer, M. D.; revised by S. S. Haldeman and J. L. Le Conte.

Synopsis of the Marine Invertebrata of Grand Manan, or the Region about the mouth of the Bay of Fundy, New Brunswick. By W. Stimpson.

Contributions to the Natural History of the Fresh Water Fishes of North America. By Charles Girard.

Anatomy of the Nervous System of *Rana pipiens*, L. By Jeffries Wyman, M. D.

Catalogue of North American Reptiles, in the Museum of the Smithsonian Institution. Part I—Serpents. By S. F. Baird and C. Girard.

## BOTANY.

Plantæ Wrightianæ Texano-Neo Mexicanæ. By Asa Gray, M. D. Part I. Pp. 146, and 10 plates.

Plantæ Wrightianæ Texano-Neo Mexicanæ. Part II—An account of a collection of plants, made by Charles Wright, in western Texas, New Mexico, and Sonora, in the years 1851 and 1852. By Asa Gray, M. D. Pp. 120, and 4 plates.

Nereis Boreali-Americana, or Contributions to a History of the Marine Algae of North America. Part I—Melanospermeæ. By William Henry Harvey, M. D., M. R. I. A. Pp. 152, and 12 colored plates.

Nereis Boreali-America, or Contributions to a History of the Marine Algae of North America. Part II—Rhodospermeæ. By William H. Harvey, M. D., M. R. I. A. Pp. 262, and 24 plates, colored.

Plantæ Frémontianæ; or description of plants collected by Colonel J. C. Frémont in California. By John Torrey, F. L. S. 1853. Pp. 24, and 10 plates.

Observations on the Batis Maritima of Linnæus. By John Torrey, F. L. S.

On the *Darlingtonia Californica*; a new pitcher plant from northern California. By John Torrey, F. L. S.

## PALÆONTOLOGY.

A memoir on *Mosasaurus*, and the three allied new genera, *Holcodus*, *Conosaurus*, and *Amphorosteus*. By Robert W. Gibbes, M. D.

Memoir upon the Extinct Species of Fossil Ox. By Joseph Leidy, M. D.

The Ancient Fauna of Nebraska; or a description of remains of extinct Mammalia and Chelonia from the Mauvaises Terres of Nebraska. By Joseph Leidy, M. D. Pp. 124, and 25 plates.

## BIBLIOGRAPHY.

Bibliography of American Natural History for the year 1851. By Charles Girard.

Notices of Public Libraries in the United States. By Prof. C. C. Jewett.

Directions for Collecting, Preserving, and Transporting Specimens of Natural History. Prepared for the use of the Smithsonian Institution. Two editions.

These works are distributed gratuitously to most of the incorporated colleges and libraries in the United States, and to the leading literary institutions of other countries. They are not copyrighted, and are sold by the trade at a low rate.

It may be contended that researches and publications of a character so purely scientific are not calculated directly to diffuse knowledge among the great mass of mankind.

This is, no doubt, to a certain extent true, and I shall be glad to see the operations of the Institution made as plain and practical as the nature of the subjects will admit; but it should not be forgotten that the grand object of the Institution is to add to the sum total of the knowledge now existing in the world, and to diffuse it "among men," rather than to scatter that more widely which is already accessible, in a greater or less degree, to all.

"Scientific researches," says a committee of the Board of Regents, "are often supposed by the uninformed to be of little or no real importance; and, indeed, are frequently ridiculed as barren of all practical utility; but nothing is more mistaken than this. The most valuable and productive of the arts of life, the most important and wonder-working inventions of modern times, owe their being and value to scientific investigations. By these have been discovered physical truths and laws, the intelligent application of which to practical inventions has given immense benefits to the world. The germs of these valuable improvements and inventions have been found and developed by scientific research, the original forms of which have often seemed to the many to be as idle and useless as they were curious. A proposition relating to the pendulum, which for many years remained only a curious theoretical relation, ultimately furnished a unit for the standard measures of states and nations. The discovery that a magnetic needle could be moved by a galvanic current seemed for a long time more curious than useful, and yet it contained the germ of all that was afterwards developed in the telegraph. It has been well remarked that numerous applications and inventions always result from the discovery of a scientific principle, so that there are many Fultons for every Franklin."

Besides this, it must be recollected that Smithson restricted his bequest to no particular branch of knowledge. He considered all intimately connected with the improvement and happiness of the human family, and as an answer to whatever may be said against the character of the publications of the institution, it may be stated that they relate to precisely the same subjects as those which occupied the life of Smithson himself.

Now, sir, I will proceed to state what I conceive to be the true origin of all the difficulties that have existed in the Institution. They have grown out of the question whether the income should be used to

build up a library, as the paramount object, or whether they should be applied not only for a library, but for such other purposes "to increase and diffuse knowledge" as would, in the judgment of the Regents, best accord with the will of Smithson and the law of Congress organizing the Institution.

This is the starting point of the whole controversy. It is not pretended by anyone that the funds have not been expended in an honest effort to increase and diffuse knowledge, but that they have not been chiefly devoted to a library as the proper instrument to effect the desired end.

Now, as this Government is only the trustee to carry out the will of the gentleman whose money supports the Institution, it becomes important to examine into the nature of that instrument, for the law declares its true intent to be to carry out "the will of the liberal and enlightened donor." Sir, what is that will? I ask gentlemen to read it and answer whether there is anything indicating that a library was regarded as the paramount object, which, like the rod of Aaron, was to swallow up everything else? The bequest, in the language of the testator, is "to found at Washington an establishment, under the name of the Smithsonian Institution, for the increase and diffusion of knowledge among men." I submit that to devote the money of Smithson to the building up of a library as a paramount object would neither carry out the letter nor the spirit of his will. The benefit to be derived from such an expenditure would necessarily be local in its character, and, instead of being useful to "men" in the comprehensive sense used by Smithson, would enure to the benefit of citizens of Washington and the privileged and fortunate few who might from time to time visit the capital. Such an expenditure, in my judgment, neither accords with the evident intent of the will or the character and sentiments of the man who made it. He did not bequeath his fortune to found a library alone, or to increase and diffuse knowledge among the citizens of the United States, much less among the residents and visitors of Washington, but "among men"—men of all classes and everywhere—and to increase and diffuse every species of human knowledge.

James Smithson, Mr. Chairman, was a foreigner—the natural son of the Duke of Northumberland and of Elizabeth, the niece of the Duke of Somerset—but he was not possessed of that intolerant spirit, that species of religious fanaticism and sectional prejudice which, I regret to see, is entertained by many of our own nation. A truly wise and enlightened people should not arrogate to themselves a superiority in all things over every other part of the world, and wrap themselves in a rigid exclusiveness like the Japanese, but should rather pursue that policy which would gather from other nations their best and most valuable citizens, arts, and inventions. A Chinese map of the world

consists of China, other countries, if indicated at all, occupying no larger space than that usually allotted to the smaller class of islands. The wild Indians and the roving Tartars consider the customs of their respective tribes or clans the perfection of human life, and regard with savage suspicion all who do not judge of perfection by their standard; and, in fact, every savage, and most all half-civilized people, think that within the boundaries of their own country are to be found all virtue, intelligence, heroism, and happiness. They are ever jealous of strangers (foreigners), deny them all political rights, and sometimes persecute them to the death.

Sir, I have some place read an account of a visit paid by the officers of a French vessel to an African chief in the wilds of his native country. His sable majesty, plentifully besmeared with grease, seated on a log for a throne, and wonderfully impressed with the vast superiority of everything and everybody within his own dominions, eagerly inquired of the officers whether he was much talked about in France. I have met some men in this country—even the sons of foreigners—equally puffed up in self-importance with the idea that America is the world, and they the chief instruments in “governing America.” No man can have a more exalted opinion of this Republic than I, for it is my native land; but I shall not, therefore, be blinded to the merit of those whose destiny it happened to be to come into the world elsewhere, and especially those who from choice have selected this as their permanent home; neither shall I forget how much our own career of greatness and glory has been facilitated by emigration. Most sincerely do I trust that narrow bigotry, sectional prejudice, and barbarian exclusiveness will never control the destinies of the United States!

Mr. Chairman, James Smithson was elevated far above all selfish, narrow-contracted, sectional views. He is believed never to have set his foot on our soil, and yet he passes the splendid monarchies of the Old World and intrusts, with confidence unqualified, to the honor of republican America the dispensation of his bequest for the good of all men. Of noble descent himself, and of ample fortune, his sympathies were not alone with those of his own class, or his own country, but with “men,” without limit or restriction. He declares in exalted language, which deserves to be written in letters of gold, that “the man of science is of no country; the world is his country, and all men his countrymen.” Though he could boast that the best blood of England flowed in his veins, yet he said that availed him not, for his name would live in the memory of men when the titles of the Northumberlands and Percies were extinct or forgotten.

Sir, the language used in the bequest corresponds with what might naturally be expected from one possessing the enlarged views of Smithson.

The great ideas of the will are those of increase and universal

benefit. The benefit is not for one nation, but for "men," who make up all nations. It is for mankind, for humanity. The truths of science admit of universal application. A truth that tends to enlarge and to elevate the mind; a discovery that furnishes a new power, or makes a new application of an old one, to administer in a greater degree to the wants of men; a fact that opens to the analytic mind a new source of evidence to determine what before was doubtful, are blessings for a world.

Mr. Chairman, it is contended by some that the act of Congress organizing the Institution contemplated a library as the leading and paramount object of the plan. Sir, I do not so understand the law. I am unable to find anything in it which conflicts with the will of Smithson. The object of the law is declared to be to carry out his wishes as expressed in the will. It provides a general outline for the execution of the trust, but necessarily leaves much to the judgment of the Regents, who are intrusted with the general management of the Institution. It mentions a library, museum, etc., as objects to be regarded, but does not require that all the income shall be applied to the objects specially mentioned or a particular amount to any one of them; and the ninth section expressly authorizes the Regents to make such disposition of the income not required to carry out the provisions specified elsewhere in the act "as they shall deem best suited for the promotion of the purpose of the testator," which purpose is declared in the title of the act to be "to establish the Smithsonian Institution (not library) for the increase and diffusion of knowledge among men."

The law does not specify the sum that shall be expended upon the museum or any of the objects mentioned. No amount is required to be annually applied to a library, but there is a limitation that it shall not exceed a certain sum. It may be less, much less, but in no event more. Pains seem to have been taken to secure for all time the services of gentlemen of talent and standing upon the Board of Regents, and they are wisely and necessarily intrusted with some discretion in the expenditure of the income and the general management of the affairs of the Institution. Take, as an example, the item of books. They are an article of trade, and their prices fluctuate in the market as other articles of merchandise; one year it might be expedient to make large purchases and another less. Who is to determine? Surely the Board of Regents would best know what to buy, when, and in what quantities, and the law very properly confers upon them such discretion. It does not require the rapid accumulation of a library, but, on the contrary, expressly provides, in the eighth section, "for the gradual formation of a library composed of valuable works;" and that, sir, is exactly what I understand to be the wish and design of a majority of the present board. Why, sir, the Institution has already,

by purchase and through the medium of exchanges, collected 14,000 volumes and 11,000 parts of volumes, estimated to be worth \$40,000; and if any Regent or officer contemplates the abandonment of the gradual formation of a library of valuable works, as prescribed in the act of Congress, I am ignorant of the fact, and believe no such disposition is entertained.

While I am opposed to making the library the principal and controlling feature of the Institution, I regard it as one of the important instruments to be used in accomplishing the desired end, and hold that it ought neither to be abandoned nor neglected. This was my opinion in the beginning. It is my decided opinion now.

But, sir, I do not understand that even the distinguished Secretary of the Institution, Professor Henry, who is generally supposed to be hostile to what is commonly called the library plan—especially favored by Mr. Choate and Professor Jewett—to differ essentially, or even materially, from my position upon this subject.

Professor Henry, in a late communication, solemnly assures the board that so long as the present law of Congress remains unchanged, and until other means can be afforded for their support, he has no idea of proposing to dispense with a library, museum, or gallery of art. He expressly says, “A library such as the Institution may collect by its exchanges and judicious purchases, and a museum of special objects of research, though not absolutely necessary to carry on the active operations, would form one harmonious system, and could be properly supported by the present income.”

I repeat, Mr. Chairman, that there is no disposition to destroy the plan of a library such as the law contemplates, but there is a disposition to prevent a library from overtopping and destroying other measures of equal or greater importance to the success of the Institution, and this is the whole issue. Sir, I am sure it is the sincere wish of those charged with the management of this Institution to conduct its affairs in such manner as will further the interests of science and be productive of the greatest amount of good. It is their chief desire to carry out in good faith the design of the noble and generous Smithsonian and the act of Congress made in furtherance of his will. Where that law is clear it is implicitly followed; where doubts exist, that mode of action is adopted best calculated, in the judgment of the Regents, “to carry out the design of the liberal and enlightened donor,” which design, in the clearest language, is declared to be “the increase and diffusion of knowledge among men.” Is it at all likely that such a high trust would be abused by a Board of Regents presided over by the Chief Justice of the United States and composed of such men as Mr. Rush, Mr. Berrien, Mr. Hawley, Mr. Pearce, Mr. Douglas, Mr. Mason, Professor Bache, General Totten, and others of much less name but of equally good intentions?

It may be that the operations of the Smithsonian Institution have not attracted the public eye, or made a favorable impression upon the minds of the popular masses, but I have confidence in their judgment and believe the reverse to be true. Be that as it may, it is certain that wherever science and literature are cultivated the Institution is becoming favorably known, and it is receiving the warmest commendations of gentlemen of the highest standing and most exalted scholastic attainments.

I might adduce much evidence to sustain this assertion, but believe the following will be considered ample and conclusive. The first extract I shall read is from a memorial recently presented to this House from the American Philosophical Society. "It appears to them," say the memorialists, "that the Institution has been, since its establishment, ever honestly and wisely administered, and the funds expended to the best advantage in the fulfillment of the purposes of the trust. Your memorialists believe that by diverting the funds of the said Institution to the formation of a public library its power of diffusing knowledge among men will be materially diminished and that of increasing knowledge entirely destroyed. Our country abounds in men with intellects adequate to the discovery of new truths, and with tastes and education which fit them for the development and beneficial application of all discoveries; but is, on the other hand, deficient in the means of encouraging such men to devote their time and energies to pursuits and of publishing their results to the world, and on this account much useful knowledge, for which we ought to have the credit, is published in foreign countries and inures to the honor and advantage of other nations. Your memorialists, therefore, sincerely believing that many disinterested men throughout our country, who are by education and position qualified to form an opinion as to what is most useful for the increase and diffusion of knowledge among men, concur in the opinions herein expressed, respectfully ask your honorable body to leave to the Smithsonian Institution its present efficient constitution and administration, and to refuse any legislation tending to impair its usefulness, by converting it into a library, or otherwise."

The following interesting letter from Mr. Felton, the distinguished professor of languages at Harvard University, will show the estimation in which the Institution is held in Europe:

CAMBRIDGE, MASS., *June 30, 1854.*

MY DEAR PROFESSOR: I have but recently returned from Europe, and I now desire to acknowledge the service you did me by your circular letter of introduction to the libraries of the European establishments which are in correspondence with the Smithsonian Institution. Wherever I presented it I was received with great kindness and attention, and had the opportunity of seeing whatever was curious, interesting, and valuable in the libraries and collections.

It gave me pleasure to notice the high estimation in which the Smithsonian Insti-

tution under its present management is held everywhere in Europe. The volumes published under its auspices have done the highest honor to American science, and are considered most valuable contributions to the stock of knowledge among men. They are shown to visitors as among the most creditable publications of the age, and as highly interesting illustrations of the progress of science and arts in the United States; and the eagerness to possess them is very great among the savants of the Old World. They were shown to me wherever I went, and the commendations bestowed on the civilization of America, as evinced by the excellence of these works, both in matter and form, was deeply gratifying to me. The last time I had an opportunity of seeing them was in the University Library, at Athens. The librarian pointed them out to me and expressed the greatest anxiety to complete the set, one or two volumes of which were wanting. I have a memorandum somewhere which I will forward to you.

I promised a gentleman, with whom I became acquainted on my voyage from England, that I would write to inquire whether it is possible to purchase an entire set. He was desirous of adding them to his library. Will you oblige me by answering this question at your convenience?

C. C. FELTON.

Professor Agassiz, well known to the literary and scientific world, has recently written a letter upon this subject, in which he says:

Every scientific man in the country has been watching, with intense interest, the proceedings of the Smithsonian Institution ever since its foundation, satisfied, as all must be, that upon its prosperity the progress of science in America depends in a very great measure.

The controversies which have lately been carried on respecting the management of the Institution have increased the solicitude of its friends with regard to its future prospects in a degree which can hardly be realized by those who are not immediately connected with the great cause of science.

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The votaries of science may differ in their views about the best means of advancing science, according to the progress they have themselves made in its prosecution; but there is one standard of appreciation which can not fail to guide rightly those who would form a candid opinion about it—I mean the life of those who have most extensively contributed in enlarging the boundaries of knowledge. There are two individuals who may, without qualification, be considered as the most prominent scientific men of the nineteenth century, Cuvier and Humboldt. By what means have they given such a powerful impulse to science? How have they succeeded, not only in increasing the amount of knowledge of their age, but also in founding new branches of science? It is by their own publications and by aiding in the publications of others; by making large collections of specimens and other scientific apparatus, and not by the accumulation of large libraries. Humboldt never owned a book, not even a copy of his own works, as I know from his own lips. “He was too poor,” he once said to me, “to secure a copy of them,” and all the works he receives constantly from his scientific friends and admirers are distributed by him to needy students. Again, there is hardly a scientific man living on the Continent of Europe who is not indebted to him for some recommendation in the proper quarters for assistance in the publication of their works. I mention more particularly these details about Humboldt, because he is happily still among the living, and his testimony may be asked in a matter of such deep importance to the real progress of science. But the same is equally true of the part Cuvier took in his day in promoting science. All his efforts were constantly turned toward increasing the collections of the Jardin des Plantes and supporting the publication of original researches, giving himself the example of the most untiring activity in publishing his own. In this connection I

ought not to omit mentioning a circumstance to which the United States owe the legacy of Smithson, which I happen accidentally to know, and which is much to the point in reference to the controversy concerning the management of the Smithsonian Institution. Smithson had already made his will, and had left his fortune to the Royal Society of London, when certain scientific papers were offered to that learned body for publication. Notwithstanding his efforts to have them published in their Transactions they were refused, upon which he changed his will and made his bequest to the United States. It would be easy to collect in London more minute information upon this occurrence, and should it appear desirable I think I can put the committee in the way of learning all the circumstances. Nothing seems to indicate more plainly what were the testator's views respecting the best means of promoting science than this fact.

I will not deny the great importance of libraries; and no one has felt more keenly the want of an extensive scientific library than I have since I have been in the United States; but, after all, libraries are only tools of a secondary value to those who are really endowed by nature with the power of making original researches and thus increasing knowledge among men. And though the absence or deficiencies of libraries is nowhere so deeply felt as in America, the application of the funds of the Smithsonian Institution to the formation of a library beyond the requirements of the daily progress of science would only be, in my humble opinion, a perversion of the real object of the trust, inasmuch as it would tend to secure facilities only to the comparatively small number of American students who may have the time and the means to visit Washington whenever they need to consult a library. Such an application of the funds would, indeed, lessen the ability of the Institution to accomplish its great object, which is declared by its founder to be to increase and diffuse knowledge among men, to the full extent to which they may be spent unduly to increase the library. Moreover, American students have a just claim upon their own country for such local facilities as the accumulation of books affords.

If I am allowed to state, in conclusion, my personal impression respecting the management of the Institution thus far, I would only express my concurrence with the plan of active operations adopted by the Regents, which has led to the publication of a series of volumes equal in scientific value to any productions of the same kind issued by learned societies anywhere. The distribution of the Smithsonian contributions to knowledge has already carried the name of the Institution to all parts of the civilized world, and conveyed with them such evidence of the intellectual activity of America as challenges everywhere admiration; a result which could hardly be obtained by applying a large part of the resources of the Institution to other purposes.

Mr. Chairman, with the following letter from Prof. Benjamin Peirce I shall yield the floor, satisfied to submit the question whether the Smithsonian Institution is being properly managed to the judgment of Congress and the scientific world:

Of all men none can be more sensible of the value of the great storehouses of the wisdom of past ages than they who are obliged to resort to them in the development of their own researches. The knowledge which has already been given to the world, and which is accumulated in the library, stimulates and invigorates the mind for original thought and supplies important materials for investigation. It is to the author what the collection of models in the Patent Office is to the inventor; but, nevertheless, the increase of knowledge depends chiefly upon the native vigor of intellect, and its diffusion is performed by the press. To the strong mind the collections of the Vatican are a golden opportunity, richer than the mineral harvest of California; but not richer than the hills and streams, which abound within every

man's sight; not richer than the stone beneath our feet, on which is written the history of the world; than the leaf of the forest, on which is inscribed the thought of its Creator; or than the cloud, in the lightnings of which the laws and the glory of God are as distinctly revealed to the faithful of the present generation as they were upon Mount Sinai.

The valuable contributions to knowledge which have already been made by the Smithsonian Institution are a living proof that vast libraries are not necessary to the development of new thoughts. If you will compare these memoirs with the scientific productions of the same period in Europe you may find them, perchance, inferior in erudition, but not in profoundness and originality of thought. Do you believe that Smithson, who was himself engaged in chemical investigations, could have intended a library by his words "an institution for the increase and diffusion of knowledge among men?" If you will examine his nine memoirs to the Royal Society, of which he was an active member, and his eighteen other contributions to science, you will not find one of them which required a library for its production. Each was the natural growth of a deeply thinking mind. Smithson was emphatically a maker, and not a collector of books; and in the scientific circle to which he belonged the ordinary use of language would have totally precluded the interpretation which some men of quite a different cast of mind have presumed to impose upon his words. Expand his largeness of expression to its utmost extent, include in it all that a generous mind like his own would desire it to embrace; but let it not be cramped and twisted out of shape, and so forced from its original design that it shall wholly fail to accomplish the object of the munificent testator.

Most earnestly, then, in the name of science, and especially of American science, do I protest against such a gross perversion of this important trust. I assure you, sir, that the great body of scientific men throughout the country warmly approve Professor Henry's plan of conducting the Smithsonian Institution, and regard it as a faithful exponent of the almost undivided opinion of scientific and learned men as to the proper execution of Smithson's will and of the law of Congress.

*March 3, 1855—House.*

Mr. C. W. UPHAM. Mr. Speaker, I would ask the unanimous consent of the House for leave, in this connection, to submit a report and accompanying papers from the select committee raised to investigate the management and condition of the Smithsonian Institution.<sup>1</sup>

There was no objection, and the report was received.

Mr. UPHAM. A minority report will be submitted; and I move that both reports be laid upon the table and ordered to be printed. Agreed to.

Report made by Mr. Charles W. Upham, of Massachusetts. The select committee of the House of Representatives to whom were referred the letter of the Hon. Rufus Choate resigning his place as a Regent of the Smithsonian Institution, with instructions to inquire and report to the House whether the Smithsonian Institution has been managed and its funds expended in accordance with the law establishing the Institution and whether any additional legislation be necessary to carry out the designs of the founder; the memorial

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<sup>1</sup> Mr. C. W. Upham only signed this report. Mr. W. H. Witte and Mr. N. G. Taylor submitted another report, and Mr. R. C. Puryear and Mr. Daniel Wells declined to sign either.

of Lorin Blodget for a remedy against the Smithsonian Institution for labor and researches in physical science, made for the benefit of said Institution, and the petition of John Grable and sundry others, citizens of St. Joseph, Mo., praying for the publication of a monthly periodical exhibiting the progress of knowledge and of society, and to be distributed by said Institution among the people, beg leave to submit the following report:

The short time allowed for investigating the matters referred to the committee, and the pressure of other duties during the few crowded last weeks of the session, render anything like a full and thoroughly satisfactory report impossible. The transactions to which their attention has been called are so complicated in their nature and extensive in their details that it was soon found entirely out of the question to attempt to examine them with sufficient fulness and minuteness to be qualified or justified in pronouncing or even forming a decisive judgment on the merits of the questions involved. The evidence taken and submitted will guide the members of the House to so much of a conclusion on the several points and issues as the committee have been able to reach.

So far as the case of Mr. Lorin Blodget is concerned, the committee would observe that he does not claim to have made any explicit contract, in writing or in conversation, with the Secretary of the Board of Regents; that the compensation he received appears to have been all that was ever expressly or distinctly agreed upon; and that as it respects the value of his labors above the compensation he received, or the degree to which he acquired any separate, private, scientific or literary property in any papers or documents prepared by him while in the Institution, they have been wholly unable to derive any definite ideas from his statements. In reference to his assertion that certain equitable or legal rights are withheld from him, the committee can only say that, although the hearing afforded him occupied a large portion of their time, he failed to make his own view of the point clearly intelligible, and that it is utterly impossible for them at this period of the session to enter into such an examination of the vast amount of documents, resulting more or less from his labors, as would be necessary in order to begin to form an opinion. An impartial arbitration by scientific persons would, if the committee may be allowed to offer a suggestion to the Board of Regents, probably be the best way to determine whether there is any foundation for the complaints he makes, or for the claim of rights which he imagines himself to possess. The committee feel it due to candor to say that they have not been able to appreciate any clear ground for his claims, but due also to justice to say that he is unfortunate in not having a facility in rendering easily intelligible the ideas which he very earnestly, and no doubt very honestly, entertains on the subject. Indeed, a personal,

laborious, and patient examination, by direct inspection, of the records, tables, maps, and other papers or documents, in which he avers that he has rights that are withheld, and claims for compensation beyond what he acknowledges to have received, will be found absolutely indispensable to enable anyone to understand precisely what he means, or to determine whether there is any foundation for his claims, either of authorship or for compensation. The committee would have been willing to encounter the task; but the want of time absolutely forbids the attempt, and, after all, it would, perhaps, have been useful scarcely for any other purpose than to satisfy their own minds. They could not advise, in any event, the action of Congress upon the subject, as the whole transaction, according to Mr. Blodget's own account, was, from first to last, placed and kept by him in the discretion and decision of the Board of Regents.

In discharging the main part of their duty, relating to the management of the Institution, whether it has been in accordance with the law, and to the question whether any further legislation is necessary, the committee will, in the first place, present such a history of the whole matter as will, in conjunction with the evidence presented in the appendix to this report, enable every member of the House to form a judgment on the subject.

[The committee then reproduce the will of James Smithson and the act to authorize the President of the United States to accept the bequest, and pledging the faith of the United States to use the funds as directed in the will of the testator, and proceed:]

It will be perceived that in the foregoing act the Government of the United States pledged itself that "any and all sums of money and other funds which shall be received for or on account of the said legacy shall be applied in such manner as Congress may hereafter direct," etc. It is presumed that it is our duty to consider, not whether the funds have been applied to such objects and in such way as Congress ought to have directed, in the opinion of any individuals, but to such objects and in such a way as Congress, in fulfillment of the foregoing pledge, has directed. The next step, therefore, is to ascertain what was the determination of Congress on the subject.

Great caution and deliberation were exercised in determining the matter. The country felt that it was a solemn and momentous trust. The gratitude, pride, honor, and wisdom of the nation were involved; not only the then present generation, but future ages were interested. The field to be surveyed was the whole country, and the whole world beyond the limits of the country. It was obvious that the nature of our institutions presented some peculiar difficulties in the way of executing the trust. If the testator had understood, as indeed but few foreigners ever have done, those difficulties, he might, perhaps, have made some arrangement to avoid them. It is clearly not within the

sphere allotted to this Federal Government to enter the fields of science and literature. In point of fact, the action of Congress in accepting the bequest, and agreeing to carry it into execution, was justified at the time on the ground of its peculiar and complete jurisdiction over the District of Columbia. More than ten years were consumed in discussions, debates, and conflicting views and schemes, in and out of Congress.

A few of the prominent facts illustrating this stage of the case will be cited. On the 19th of July, 1838, the Secretary of State, by direction of the President of the United States, addressed letters to a number of the distinguished men of the country thought to be best qualified to advise on the subject. Answers were received from John Quincy Adams; Francis Wayland, D. D., president of Brown University; Dr. Thomas Cooper, of Columbia, S. C.; Hon. Richard Rush, and President Chapin. The diversity of views which must ever be expected in reference to such a subject was revealed in all its extent, at the very outset. Mr. Adams recommended an observatory; President Wayland a higher university; Dr. Cooper a university, and to escape constitutional objections, to transfer the fund to the corporation of Georgetown; Mr. Rush recommended a more complicated system, for the collection from all countries, through ministers, consuls, and naval and military officers, of seeds and plants, objects of natural history and antiquities; a standing board of the chief officers of the Government; the institution to have a printing press; the board to determine what should be printed; the democratic principle, as developed in our institutions, to be particularly discussed; lecturers to be appointed by the President and Senate, with salaries large enough to command the highest talent; a certain number of young men from each State to attend the lectures, their expenses being paid by the Institution, etc. President Chapin was in favor of professorships being established on a liberal scale; a library, apparatus, and an astronomical observatory.

On the 14th of December, 1838, a memorial was presented to Congress recommending an agricultural institution with a large farm, beet-sugar manufactory, mill, workshops, etc. As propositions multiplied, the difficulties in the way became, at each step, and in view of every scheme, more and more apparent.

In January, 1839, Congress began to grapple with the subject. The university plan was defeated in the Senate on the 25th of February, 1839. Congress provided for an observatory out of its own funds, and that matter was disposed of and taken out of the question. An Institution like the Garden of Plants at Paris was strongly urged in the Senate, but the proposition did not prevail. In 1845, Mr. Choate proposed in the Senate the library plan, and it passed that body on the 23d of January. In the House, several members offered different propo

sitions. One proposing a normal school was rejected—yeas 72, nays 42; one proposing lectures and professors was rejected—77 to 42. The plan of lectures, as a leading feature, was rejected by similar strong votes on several occasions.

Various bills were reported, substitutes offered in both Houses, and sundry amendments made, until in August, 1846, a bill as passed by the House was passed by the Senate without amendment, and became the law on which the Institution has existed to the present date. [The committee then quote the act approved August 10, 1846, and proceed:]

The foregoing act of Congress is “the law establishing the Smithsonian Institution.” It is the directory which the Regents are bound to follow in administering its affairs and applying its funds. An idea seems to have crept into the discussions that are prevalent on this subject that the will requires one thing and the law another. There can be no ground for this distinction, as a few words will show.

The will declares a certain object, namely, “for the increase and diffusion of knowledge among men.” In accepting the bequest the Government of the United States pledged its faith that the funds should be “applied as Congress may hereafter direct, to the purpose of founding and endowing at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men.”

The act establishing the Institution also inserts into its title and into its body the words of the will, so that whatever the will requires the act ordains, and there can be no conflict between them. No one can question the obligation of those who administer the Institution, under the act, to assume that its requirements are in accordance with the will and to carry them out in good faith and good earnest. So far as the act leaves the officers who exist by its authority to their discretion, that discretion is to be guided by their sense of the import and design of the language of the will. All in the will that relates to the subject is incorporated into the act. We have occasion, therefore, to look only at the act in ascertaining the duty of those who administer the affairs of the Institution, and there can be no ground for a controversy in reference to the meaning of the will as against the act, or vice versa.

The will and the two acts of Congress that have been spread out on the foregoing pages in full interpret themselves to the common sense and adequate apprehension of every reader. It is only necessary to regard the words as used in their ordinary sense, to avoid a mental interpolation of language not in the text, and to allow its natural meaning to flow out from all the language used in the instrument. In this spirit of fair and unstrained interpretation we propose to consider for a moment the language of the act establishing the Smithsonian Institution, of which different and conflicting interpretations are advocated.

The word “increase” is held by some of the zealous combatants in

the Smithsonian controversy to be identical with "discovery." The idea seems to be that knowledge can only be increased by the discovery of new truth. This is an arbitrary and untenable position. A mind experiences an increase of knowledge if it knows more than it did before, although all the ideas it has received may be in the commonest text-books. There has been an increase of knowledge in the school, in the congregation, in the lecture room, if ideas not before known to them have been received into the minds of the hearers; even, indeed, it matters not if those ideas have been recorded for thousands of years in languages, classical or sacred, that have been dead long ago. Knowledge has been increased if one mind has received more, whether it be new or old truth. The language of Smithson is perfectly simple, and in its natural sense covers the whole ground—it includes, but does not require, new truth. Truth discovered a thousand years ago is as good as truth discovered yesterday. Knowledge embraces it all alike, and Smithson's object was to carry knowledge where it was not before, and to increase it where it was; to spread it over a wider area and to a greater depth.

In like manner a particular meaning has been crowded upon the word "knowledge"—not its ordinary meaning in common usage, but a narrow, technical, and special meaning. This has been done by confounding it with "science." It is true that, in their primitive origin, or roots, in the languages from which they are derived, these words may be identical in their meaning, but not so as actually used in common conversation and familiar and general literature. "Knowledge" is all-comprehensive—embracing science, art, literature, politics, business, the whole world of nature and culture, the entire realm of facts and reality, all ages and all that they have contained. "Science" is almost universally employed to denote those branches of knowledge which are systematized into a distinct organization or arrangement, based upon definite principles, and reduced to particular rules. In the progress of knowledge new sciences are added to the list, and in the establishment of new classifications the boundary lines are altered. There is a vast amount of knowledge not included in any science. Further, the word science is sometimes used to embrace only a part of what, in a broader sense, is included in the sciences. It is getting to become quite generally used to denote what are called the physical sciences, excluding political, moral, and intellectual science—excluding history, the arts, and all general literature. Surely, it can not be maintained that "knowledge" was used by Smithson as merely identical with "science" in this last-mentioned and most limited sense.

The words "among men" were used merely to corroborate the idea expressed by the word "diffusion." They do not necessarily imply that the Institution should confine itself to world-wide operations. The word is not, as some seem to suppose, "mankind," but "men;"

and he diffuses knowledge "among men" as truly and in as full a sense when he enlightens the minds of his neighbors as of persons at the farthest pole. He best fulfills the idea of Smithson who increases human intelligence whenever and wherever he has an opportunity, in every circle of influence, however near or however remote.

The seventh section of the act establishing the Institution has given occasion to a difference of interpretation that has been brought to the notice of the committee. The section relates to the duties and powers of the Secretary, and goes on to say that "the said Secretary shall also discharge the duties of librarian and keeper of the museum, and may, with the consent of the Board of Regents, employ assistants; and the said officers shall receive for their services such sums as may be allowed by the Board of Regents, to be paid semiannually, on the first days of January and July; and the said officers shall be removable by the Board of Regents whenever, in their judgment, the interests of the Institution require any of the said officers to be changed."

The committee can not but think it strange that, in the face of this express language, it has been made a question where the power of removal is lodged. "Said officers shall be removable by the Board of Regents." Can anything be plainer? In defense of the idea that the Secretary can remove his assistants, a practice is cited in certain departments of the Government where the power of removal is exercised by intermediate officials. But there is no analogy, inasmuch as the Constitution of the United States is silent in reference to the removal of such officers. But the constitution of the Smithsonian Institution is not silent, but expressly defines in whom the power to remove the assistants of the Secretary resides—namely, in the Board of Regents. They have no more right to delegate or pass over to another that power than they have to transfer any of their other functions.

The concluding sentence of the eighth section of the act is as follows:

And the said Regents shall make, from the interest of said fund, an appropriation not exceeding an average of twenty-five thousand dollars annually for the gradual formation of a library composed of valuable works pertaining to all departments of human knowledge.

The expression "not exceeding" is in constant use in the legislation of Congress and in all legislation everywhere in which appropriations are made, and it will not be disputed that in all instances the expectation and general understanding of the legislature is that about the amount thus specified will be expended. The word "average" can only be considered as indicating the expectation of the legislature that the sum expended in some years might exceed \$25,000. The word was used in order to give the managers authority, in case a sum less than \$25,000 were expended one year, to expend just so much more the next, and vice versa. No doubt, we think, can be entertained that

the framers and enactors of the law expected that about \$200,000 would be expended "for the gradual formation of a library composed of valuable works pertaining to all departments of human knowledge" in eight years. If the law does not contemplate that the annual expenditure for the formation of a library shall be something like \$25,000, any other figures might as well have been used. If the administrators of the law are at liberty to spend as little as they please for a library, in the face of the sum thus indicated in the law, they would have been equally at liberty whatever sum might have been named, whether \$30,000 or \$40,000. In other words, if the clause of the act under consideration can be construed as justifying an annual average expenditure for the gradual formation of a library of less than \$2,000, any intermediate sum between that and the entire income of the fund would have been of equal authority and significance as indicating the intention of the legislature, whichever of the said intermediate sums might have been inserted in the act; that is to say, those who maintain that the language and design of the act are carried out by expending less than \$2,000 annually for books assume and assert that it would not have altered the sense of the act had \$2,000 or \$10,000 or \$40,000 been the sum actually named in it, instead of \$25,000.

The ninth section of the act is as follows:

*And be it further enacted,* That of any other moneys which have accrued, or shall hereafter accrue, as interest upon the said Smithsonian fund, not herein appropriated, or not required for the purposes herein provided, the said managers are hereby authorized to make such disposal as they shall deem best suited for the promotion of the purpose of the testator, anything herein contained to the contrary notwithstanding.

The discretion allowed to the managers in the latter part of this section must be considered as limited in some sense by the word "other," applied to "moneys," and more definitely and more absolutely by the clauses "not herein appropriated" and "not required for the purposes herein provided."

The meaning of the ninth section seems to us to be simply this—that if, after all has been done required by the foregoing provisions of the act—that is, for the maintenance and preservation of a geological and mineralogical cabinet, a laboratory, library, gallery of art, lecture room, lectures, the purchase of books on the scale indicated in the eighth section, and the discharge of all current obligations—an unexpended balance of the annual income remains, the managers may do with it just what they please; may expend it upon books if they like, even although the expenditures for that object may have already reached the assigned limit, or upon any objects not named or alluded to in the act, if, in their judgment, "suited for the promotion of the purpose of the testator."

The committee are wholly unwilling to enter at all into the discussion of the private grievances or personal controversies or official

misunderstandings which were brought before them in the course of the investigation. They regard the evidence that was educed on these matters as important only because it illustrates the difficulties encountered in administering an institution of this sort upon the plan that has been attempted. They are particularly desirous to have it understood that they attach no blame to any person in any quarter; the evils are the result of the system. At the same time they do not cast blame or censure of any sort upon those who suggested, and have labored to carry out, that system. The design was in itself commendable and elevated. It has unquestionably been pursued with zeal, sincerity, integrity, and high motives and aims, but it is, we think, necessarily surrounded with very great difficulties.

There is nothing in our constitutional system that authorizes this Government to enter the sphere of literature and science. Education is left to the States. This Government can not, without violating the principles on which it rests, become, directly or indirectly, through its official agents or in the expenditure of funds, a censor of any department of the press, an arbiter of science, or a publisher of works of mere literature or philosophy any more than of morals or theology.

No amount of money that could possibly be raised would enable this Government to perform these functions with a just, equal, and liberal hand for the benefit of all departments of knowledge. Of course it has no right to make discriminations; not only natural history and physical science, but every branch of learning and inquiry has a right to demand patronage, if it is extended to any. Whatever project in this line may be attempted will be found surrounded with insuperable embarrassments. If, for instance, the funds of the Smithsonian Institution should be appropriated in the manner proposed in the petition from citizens of Missouri, referred to this committee, for the preparation and distribution of a monthly report of the general progress of knowledge, who shall write those reports? To what school of philosophy or medicine or politics shall he belong? Shall he confine himself, as the Smithsonian Institution has for the most part very wisely done, to particular provinces of natural science, to reptiles, defunct species of animals, mathematical and astronomical computations and researches, to aboriginal antiquities and the glossaries of vanishing tribes of Indians, or shall he rise above dead and brute nature and treat the subject of man, of civil society, of government, of politics, and religion? If he confines himself to the former, not one in ten thousand of the people will be interested or satisfied; if he attempts the latter he is on forbidden ground and can not escape being torn to pieces by parties, sects, and sections.

Moving in the most cautious manner, acting within the most limited sphere, grudges are multiplied, jealousies engendered, resentments kindled, and complaints encountered in all directions. Authors whose pieces are rejected will be likely, in the course of time, to outnumber

those who are admitted to the favored circle; one man has the gratification of seeing his works printed at the public charge in a splendid style and circulated, without trouble or expense on his part, to all the learned societies and persons of Christendom, and of feeling that a world-wide reputation is secured to him; but others, whose treatises have been condemned by a secret tribunal and returned with the stigma of rejection, are brooding in sullen, or breaking out in vehement, resentment and indignation.

Men of genius are sensitive—scientific authors and discoverers particularly so. To attain to great excellence in any department it must be studied and prosecuted with exclusive and all-absorbing zeal. There is a divinity in truth, and whoever attains any portion of it is prone to worship it with a concentrated devotion, and to cherish it as more precious than all things else. However minute the objects, or narrow the provinces, or apparently useless the results of the researches of the man of science, he is wholly wrapt up in them, and feels, to his very heart's core, that nothing transcends them in importance. This makes him sensitive to reputation, tenacious of rights, and morbidly alive to any encroachment upon his labors or attainments. No office is more thankless than to attempt to arbitrate the differences of men of science—no offense more keenly resented than to discredit their claims or slight their productions. It is a curious circumstance, and most instructive in this connection, strikingly illustrating the fact we are presenting, that James Smithson, who was a fellow of the Royal Society, had made a will, leaving his whole fortune to that institution, which had honored many of his productions by publishing them in its Transactions. At length, certain papers offered to them for publication were refused. Under the sting of resentment and wounded pride, he changed his will, and left his fortune to the United States of America. In this way a harvest of dissatisfaction and animosities is constantly maturing. Patronage in politics is the fatal bane of parties. In literature and science it works disastrously, in all directions—upon him who dispenses, upon those who receive, and upon all from whom it is withheld.

The organization of the Smithsonian Institution is as follows:

The "Establishment," by the name of the "Smithsonian Institution."

FRANKLIN PIERCE, President of the United States.

———, Vice-President of the United States.

WILLIAM L. MARCY, Secretary of State.

JAMES GUTHRIE, Secretary of the Treasury.

JEFFERSON DAVIS, Secretary of War.

JAMES C. DOBBIN, Secretary of the Navy.

JAMES CAMPBELL, Postmaster-General.

CALEB CUSHING, Attorney-General.

ROGER B. TANEY, Chief Justice of the United States.

CHARLES MASON, Commissioner of Patents.

JOHN T. TOWERS, Mayor of the city of Washington.

## HONORARY MEMBERS.

ROBERT HARE, WASHINGTON IRVING, BENJAMIN SILLIMAN, PARKER CLEVELAND.

## BOARD OF REGENTS.

———, Vice-President of the United States.

ROGER B. TANEY, Chief Justice of the United States.

JOHN T. TOWERS, Mayor of the city of Washington.

JAMES A. PEARCE, member of the Senate of the United States.

JAMES M. MASON, member of the Senate of the United States.

STEPHEN A. DOUGLAS, member of the Senate of the United States.

WILLIAM H. ENGLISH, member of the House of Representatives.

DAVID STUART, member of the House of Representatives.

JAMES MEACHAM, member of the House of Representatives.

———, citizen of Massachusetts.

GIDEON HAWLEY, citizen of New York.

J. MACPHERSON BERRIEN, citizen of Georgia.

RICHARD RUSH, citizen of Pennsylvania.

ALEXANDER D. BACHE, member of the National Institute, Washington.

JOSEPH G. TOTTEN, member of the National Institute, Washington.

The active government of the Institution is in the hands of the following officers and committees:

FRANKLIN PIERCE, ex-officio Presiding Officer of the Institution.

ROGER B. TANEY, Chancellor of the Institution.

JOSEPH HENRY, Secretary of the Institution.

———, Assistant Secretary, in charge of Library.

SPENCER F. BAIRD, Assistant Secretary, in charge of the Museum.

ALEXANDER D. BACHE,

JAMES A. PEARCE,

JOSEPH G. TOTTEN,

RICHARD RUSH,

———,

WM. H. ENGLISH,

JOSEPH HENRY,

W. W. SEATON, Treasurer.

} Executive Committee.

} Building Committee.

The committee feel it their duty to submit a few remarks in relation to this organization.

It appears by the evidence that so much of it as is called the "Establishment" has never performed any part whatever in the administration of the Institution. It is obvious that those Regents who reside at a great distance from Washington can have but little to do with its management. Those of them who are members of the Senate or House of Representatives, unless their residence, during the recess of Congress, is in the vicinity of Washington, can not be expected, for the most part, to have that influence over its operations which those who reside permanently at the seat of government, or in its immediate vicinity, will more naturally exercise. The Executive Committee is the body in which the government substantially exists.

It may well be questioned whether it is expedient to surround **such** an institution with an array of high official dignitaries. Their **great** offices and characters are committed to all the proceedings of the **Institution**, while it is impossible for them to give much time and **attention** to their examination. When the venerable Chief Justice of the United States, after hearing both parties and a thorough scrutiny of the merits of all questions involved, and in the exercise of the high function to which his life is consecrated and set apart, pronounces a solemn judgment from the bench, we bow to his learning and wisdom; but it may, perhaps, be doubted whether it is expedient to attempt to make him responsible for all the doings of an institution entirely out of the sphere of his duties and pursuits, and with whose officers he can not have much communication. As it has been ascertained **that** the Institution is not a corporation, and its anomalous character in **that** respect may give rise to perplexing and unforeseen difficulties **that** will reach the legal tribunals, it may well be questioned whether **that** august judicial personage ought to be mixed up at all with its business details.

If the Institution could be organized in a simpler form, and its Secretary made the head of a bureau in the Department of the Interior, and subject, like other heads of bureaus, to the Secretary of the Interior, he might pursue substantially the same course as at present, if that should continue to be thought advisable, with a clearly ascertained line of duty and responsibility, and a full adjustment of all his relations above to the head of the Department, around to his associates, and to all subordinates of every grade. This, however, we desire to have considered as a mere suggestion made in passing. If all other plans are found defective and beset with inconveniences, this may, at some future day, be tried in the last resort.

Whatever arrangements may be made for the administration of **the** Institution, it is of extreme importance that the relations among **the** several officers attached to it be defined and settled by law, or, at **any** rate, by by-laws. In every organization to which several officers **are** attached such a provision is highly desirable, but preeminently **so** where the said officers are gentlemen of scientific and literary attainment and reputation. The spirit of self-respect and a sensitiveness to personal rights prevail nowhere with greater keenness and intensity than in the republic of letters.

The Smithsonian Institution stands on a different footing from **any** in this country, and in some particulars, especially in regard to **the** peculiar character of our Government, in any other country. In **some** leading features it perhaps bears a closer resemblance to the **British** Museum than to any other. The recent history of that institution **may**, perhaps, be found instructive to us.

The British Museum was founded about a hundred years ago, upon

the conditional bequest by an individual of property less in amount than the bequest of Smithson. It has since received some two millions of pounds sterling of the public funds.

Within the last twenty years there have been two select committees of the House of Commons and one royal commission appointed to inquire into the condition, management, and affairs of this institution.

Its government is vested in a board of trustees, in number 48, one of whom (His Royal Highness the Duke of Cambridge) is directly named by the Crown, 23 are regents *ex officio*, 9 are named by the representatives or executors of parties who have been donors to the institution, and 15 are elected.

The following is a list of the trustees:

*Ex officio*.—The archbishop of Canterbury, the lord chancellor, the speaker of the House of Commons, principal trustees; the president of the council, the first lord of the treasury, the lord privy seal, the first lord of the Admiralty, the lord steward, the lord chamberlain, the colonial secretary of state, the foreign secretary of state, the home secretary of state, the bishop of London, the chancellor of the exchequer, the lord chief justice of the Queen's bench, the lord chief justice of the common pleas, the master of the rolls, the attorney-general, the solicitor-general, the president of the Royal Society, the president of the College of Physicians, the president of the Society of Antiquaries, the president of the Royal Academy.

*Family trustees*.—The Earl of Cadogan, Lord Stanley, Sloane family; George Booth Tyndale, esq., Rev. Francis Annesley, Cotton family; Lord H. W. Bentinck, the Earl of Cawdor, Harlein family; Charles Townley, esq., Townley family; the Earl of Elgin, Elgin family; John Knight, esq., Knight family.

*Elected trustees*.—The Earl of Aberdeen; the Earl of Derby; the Duke of Rutland; the Marquis of Lansdowne; Sir Robert Peel, Bart.; the Duke of Hamilton; Sir Robert H. Inglis, Bart.; Henry Hallam, esq.; William R. Hamilton, esq.; the Duke of Sutherland; the Right Hon. T. B. Macaulay; William Buckland, D. D., dean of Westminster; the Right Hon. Sir David Dundas; the Right Hon. H. Goulburn; the Marquis of Northampton.

Complaints against the management of the institution became so prevalent that, notwithstanding the mighty array of elevated functionaries and illustrious literary and scientific persons behind which it was intrenched, it became necessary for the House of Commons to turn its attention to it.

On the 27th of March, 1835, it was ordered in the House of Commons "that a select committee be appointed to inquire into the condition, management, and affairs of the British Museum," with power to send for persons and papers. The committee consisted of thirty-three, including many of the leading men of the House.

The committee held nineteen meetings, and on the 6th of August, 1835, reported a mass of testimony making a folio volume of 623 pages.

On the 11th of February, 1836, the subject was again taken up, and became the occasion of a debate. Among other complaints made by members, it was affirmed that the statement made by Sir Humphry Davy was correct "that the archbishop of Canterbury, the lord chan-

cellor, and the speaker of the House of Commons were considered as the real acting governors of the institution." A new committee of 15 was appointed, composed of distinguished persons, and authorized to send for persons, papers, and records. It held 28 meetings, and reported to the House of Commons on the 14th day of July, 1836. Certain improvements were made in the condition of the institution as the result of these Parliamentary proceedings.

The public mind seems to have become again excited on the subject, by complaints arising from the community and from officers of the Institution, and in 1847 a royal commission was formed, consisting of four noblemen and eight commoners, all eminent persons. They prosecuted their researches with great diligence, and the result of their labors, in 1850, was a folio volume of more than 1,000 pages. The whole number of questions and answers is 10,933. The chairman of the commission was the Earl of Ellesmere. He presented an elaborate, full, and independent report. One or two extracts may be read with advantage by those who have the management of literary and scientific institutions:

Such a board of trustees, to anyone who considers the individuals who compose it with reference to their rank, intelligence, and ability, would give assurance rather than promise of the most unexceptionable and, indeed, wisest administration in every department. High attainments in literature and in science, great knowledge and experience of the world and its affairs, and practiced habits of business distinguish many of them in an eminent degree; and it would be unjust either to deny the interest which all of them feel in the prosperity of the institution or refrain from acknowledging the devoted services which some of them have rendered in its administration. But, on the other hand, absorbing public cares, professional avocations, and the pursuits of private life must, in many instances, prevent those individuals whose assistance might have been best relied on from giving anything like continued attention to the affairs of the institution.

While the report alludes in the above language to the inability of such official persons in general to attend with sufficient particularity to any extra business incidental to affairs out of the sphere of their more appropriate duties, it makes an exception in favor of the archbishop of Canterbury, who, in the words of the report, "gave to its affairs more time and attention than we could have supposed it possible for a person the most active to have spared from his momentous and sacred duties."

The commissioners dwell at length upon the fact that the trustees were not in the habit of communicating directly with any other officers of the institution but the secretary, as in the following passage:

The secretary attends all the meetings, and the officers of the establishment generally are perfectly aware of the extent of his influence and control over the business, while he has no direct responsibility for the conduct or actual state of any department.

There may be many cases, certainly, in which it is not expedient only but necessary that the board should deliberate in the absence even of the principal librarian

or of the heads of departments; but there must be exceptional cases, and, considering the persons who are heads of departments and the knowledge and ability by which they are and ought to be distinguished, it seems impossible to suppose that the trustees would not derive the greatest assistance from immediate, full, and unreserved communication with them on questions arising in the administration of their respective departments. We find, however, there is scarcely one of the highest officers of the Institution who has not complained of systematic exclusion from the board when the affairs of his department are under consideration, as equally disparaging to himself and injurious to the interests of the department, giving no opportunity of explaining their reports or meeting the objections and criticisms to which they may have been subject; and their own absence, joined to that of the principal librarian, leaves them under the painful but natural impression, where their suggestions are disallowed, that the interests with which they are charged have not been fully represented. We can not but ascribe to this cause the unfortunate and unseemly jealousies which the evidence shows to have long existed among the principal officers of the Museum—their distrust in the security of the means by which they communicate with the board, their misgivings as to the fullness and fairness of the consideration which their suggestions receive, and their feelings of injustice done to their own department, arising, it may be, from an overzeal for its interests or overestimate of its importance.

Finally, they use this language in reference to what they judge to be the too overshadowing power allowed to the secretary by the trustees:

From his control of the business, constant intercourse with the trustees, and attendance at all their meetings, he has arisen to be the most important officer in the establishment, though without that responsibility which attached to the principal librarian and the heads of departments. The influence possessed by this officer in the affairs of the museum has followed the usual course where the secretary is permanent and where the administrative board is fluctuating, and must depend mainly upon the secretary for the information required in the dispatch of ordinary business. (Report of Commission.)

The case of the British Museum confirms the conviction that whatever power is lodged in the secretary—and we do not advise to encroach upon or to diminish his authority—it is all important to have it defined and guided and guarded by express regulation. Gentlemen of education and refined sensibilities will be willing to conform to rules in the shape of law, but will always reluct against and resent the exercise of absolute and unrestrained power. Every American heart instinctively resists arbitrary authority; no reasonable mind objects to conformity to established regulations and obedience to defined, permanent, and uniform rules. Beyond those rules the rights of a subordinate officer are as perfect as those of any other man. Within them he feels that it is no degradation to obey. It is not at all improbable that many of the difficulties that have been encountered in the British Museum and in the Smithsonian Institution have arisen not so much from lodging too much power in the secretary as from the absence of by-laws fully defining the powers, duties, and relations of all the officers employed in them. The committee is particularly

desirous to have it understood that they feel justified in expressing a very decided opinion that the difficulties that have arisen, and which the evidence sufficiently discloses, in the bosom of the Institution, and the dissatisfaction that may exist in some portions of the community may safely be attributed to the causes just mentioned and not in the least to any want of fidelity or zeal on the part of its managers.

As it respects the general policy advocated by the friends of a library to make it a prominent feature in the Smithsonian Institution, the committee are of opinion that the funds of the Institution are sufficient to accomplish that object at a more rapid rate of gradual accumulation than heretofore without essentially impairing the usefulness and efficacy of the policy pursued at present by the managers. Active operations, original researches, and the publication of scientific treatises, if the whole income were consumed in them, would have to be confined far within the limits of what would be desirable. A limitation must be suffered at some point within the income, and the satisfaction of the country is of greater importance than a few thousand dollars, more or less, expended in either direction.

But a few words are needed to do justice to the value of a great universal library at the metropolis of the Union. Every person who undertakes to prepare and publish a book on any subject will be found to bear testimony to the need of such a library. The great historians and classical writers of the country have to send abroad, often to go abroad in person, in order to obtain materials for their works. All literary men are eager to inspect catalogues and explore alcoves in the prosecution of their favorite departments, and there is no direction in which they are more tempted to drain their generally quite moderate resources than in the purchase of books. Such a library as would be accumulated by an appropriation of \$20,000 annually for twenty years, judiciously expended, would be frequented by scholars and authors in much larger numbers than persons not acquainted with their wants will be likely to suppose. In half a century it would give to America a library unequaled in value, and probably in size, in the world.

There is a special reason why such a library should be provided at this seat of the Federal Government. The annals of all other countries, running back into the past, are soon shrouded in fable or lost in total darkness; but ours, during their whole duration, are within the range of unclouded history. The great social, moral, and political experiment here going on to test the last hope of humanity is capable of being described in clear and certain records. The history of each State and Territory can be written on the solid basis of ascertained facts. In each State and Territory there are, and from the first have been, many persons who are preparing and have published works illustrative of the entire progress of those respective communities. In local histories, commemorative addresses, and the vast variety of

productions of this sort our literature is rich and ample beyond that of any other people. There is no way in which the patriotism and virtue of a people can be so effectually fostered and strengthened as by cherishing in their breasts an interest in their ancestry, in the incidents that have marked the fortunes of their States, their towns, and the scenes of their residence—the transmitted reminiscences of their homes and firesides. It would be a great and good thing could there be collected in a national library, in distinct alcoves, all valuable publications illustrating the history of the several States of this Union. Different processes of legislation and various social and political influences have operated upon them severally, and the records of the results ought to be here for the inspection and instruction of the representatives of the people themselves and of the whole world.

But if every other description of books is avoided or crowded out there is one which surely ought not to be. If the resources of the Institution are to be exclusively or mainly devoted to science rather than to general literature and knowledge, it ought, at any rate, to have within its walls a perfect and universal library of science and art—not merely modern science and recent researches, but all the publications, of all ages and all countries, that illustrate the progress of science, as such. If we can not have a universal library, give us, at least, a scientific library such as no other nation can boast.

One advantage of a liberal expenditure for a library, not to be thought lightly of in a government resting entirely on popular opinion, is that it results in something that shows for itself; the people can see in it what has become of the money. It would forever grow before their eyes, and in all coming generations, from its unapproached and ever-expanding magnitude, would be an object of perpetually increasing national pride. Under the present policy the funds disappear, as they are expended, however salutary their application may have been, and the only monuments are a few volumes, admirable, no doubt, in their form and substance, highly appreciated by scientific societies at home and abroad, but never seen by the people.

The short time allowed them, the necessary consequent inadequateness of their investigations and deliberations, and the impossibility of any legislative action by this Congress restrain the committee from reporting any bill to the House; but in view of all circumstances, as a measure of peace, as a mutual concession, which in such a matter is the only way of settling a difficulty, they would express their conviction that the compromise adopted at an early day by the Board of Regents ought to be restored, and that all desirable ends may be ultimately secured by dividing the income equally between the library and museum on one part and active operations on the other.

The only other suggestion the committee have to make is the expe-

diency, in order to avoid all embarrassment in future, to have each division of the Institution placed under its proper and distinctive head. Let the Secretary have charge of the active operations, preside over the scientific researches, and direct the publications. Let the librarian have charge of the library and museum. If the two departments are thus separated and placed under the control of well-devised and clearly defined regulations, never interfering with each other, but working freely and harmoniously in their respective spheres, each principal responsible only for his own province, and subject alike to a common head, whether the Secretary of the Interior or a Board of Regents, the Institution would, we think, be found to work most auspiciously and produce the best and greatest results.

Mr. WILLIAM H. WITTE, of Pennsylvania, from the select committee, made a report:

The select committee to whom was referred the letter of the Hon. Rufus Choate, resigning the office of Regent of the Smithsonian Institution, also the resolution thereon to inquire whether the Smithsonian Institution has been managed and its funds expended in accordance with the law establishing it, and whether any additional legislation be necessary to carry out the design of its founders, report:

[Mr. Nath. G. Taylor, of Tennessee, concurring; and Mr. Richard C. Puryear, of North Carolina, and Mr. Daniel Wells, of Wisconsin, although not dissenting from all the views, preferred not to sign either this report or the report made by Mr. Upham alone.]

That they have made a patient examination of the Institution, and have concluded that there is no just cause of complaint against the Regents or the Secretary in regard to the construction of the act of Congress establishing the Institution, and the plan of organization adopted by the Regents, or the manner in which its affairs have been administered. The subjects included in the resolution may be appropriately arranged under the following heads:

1. The proper construction of the act of Congress establishing the Institution.
2. The plan of organizing and administering the affairs of the Institution adopted by the Regents in pursuance of the law.
3. The question whether any new legislation is necessary.
4. The administration of this plan by the Regents and Secretary.

Of these the committee will treat in the order in which they are stated:

1. The proper construction of the act of Congress.

The question whether the bequest of Mr. Smithson should be applied chiefly to the formation of a great national library, or to researches for the increase of knowledge and the publication and circulation of their results for its diffusion among men, divided the

opinion of the members of the Board of Regents at their first meeting. These differences of opinion were compromised at the organization of the Institution by a resolution, which the Regents have lately repealed.

That resolution provided, prospectively and on a contingency which may be said to have just occurred—the completion of the Smithsonian building, for an equal division of the fund committed to the care of the Board of Regents between the two objects above stated—a national library, museum, and gallery of art on the one hand, and researches, publications, and lectures on the other.

This compromise resolution has been repealed by the Board of Regents during their present session, and instead of it they have adopted the following:

*Resolved*, That hereafter the annual appropriations shall be apportioned specifically among the different objects and operations of the Institution in such manner as may, in the judgment of the Regents, be necessary and proper for each, according to its intrinsic importance, and a compliance in good faith with the law.

The adoption of this resolution was followed by the resignation of Mr. Choate, one of the Regents, and in his letter of resignation, addressed to the Speaker of the House, he assumes that the act of Congress presented a rule of appropriation which is set aside by the resolution. Whether the Board of Regents or Mr. Choate are right in this respect must be determined by a reference to the act of Congress.

When it had created the Institution, given it a corporate name, invested it with certain powers, subjected it to specific restrictions, provided for the erection of a suitable building, and directed an annual appropriation not exceeding \$25,000 for the gradual formation of a library, it proceeded to declare that of any other moneys accrued or to accrue as interest on the fund, not otherwise appropriated nor required for the purposes therein provided, the managers were thereby “authorized to make such disposal as they shall deem best suited for the promotion of the purposes of the testator, anything therein contained to the contrary notwithstanding.”

Beyond any reasonable controversy, here is a discretionary and controlling power given to the Board of Regents over the whole income of the fund, except only such portion of it as had been appropriated or should be required for purposes provided by the act. To determine the extent of this discretionary power it becomes necessary, then, to ascertain what appropriation has been made and what purposes were provided by the act.

It directs the selection of a lot and the erection of a suitable building, but does not limit the amount of expenditure, nor make any appropriation for it. It provides “that in proportion as suitable arrangement can be made for their reception” the several objects specified in the sixth section shall be delivered to the order of the Board of Regents, and requires the arrangements and classification of them.

It directs the Regents to appropriate "from the interest of said fund a sum not exceeding an average of \$25,000 annually for the gradual formation of a library," and then places the whole residue of the increase of the fund at their disposal. Can this be doubted? For the various purposes provided by the act no appropriations are made. The library forms the only exception, and the sole limit of the discretionary power of the Regents over appropriations for a library is that they shall not exceed an annual average of \$25,000. Within that limit their discretion is full and entire. Suppose any appropriation made in any given year for the gradual formation of a library; can anyone doubt that the Regents have the power to make such an appropriation or so to limit it? And is there any reason why they might not limit the appropriation to a still smaller sum? They might, indeed, be liable to the charge of evading the law if those appropriations were for mere nominal sums, so that in the course of a series of years no sensible progress could be made in the gradual formation of a library. But this is an extreme case, from which no argument can be drawn against their discretion to limit the appropriation for a library while intending in good faith to provide for its gradual formation.

Then suppose them to apply an amount sufficient to meet all the expenses necessarily resulting from the provisions of the act. Still there would remain a considerable sum not applied to any purpose. If the Board of Regents believe that its application to scientific researches and their publication be "best suited for the promotion of the purposes of the testator," can it be doubted that they would have the right so to apply it?

The ninth section of the act gives this power in full. When they have met the current expenses of the Institution, from time to time made the necessary appropriations for the buildings in process of erection, and, exercising their discretion within the limit prescribed to them, have made an annual appropriation for a library, what remains is placed at their "disposal," to promote the purposes of the testator by the use of such means as "they (the Board of Regents) shall deem best suited" to accomplish this object. In construing the act of Congress the committee confine themselves to the act itself—to the plain import of the terms in which it is expressed, and to the necessary results of the provisions which it contains. They do not resort to what is called its parliamentary history. The reported speeches of members upon the bill while pending in Congress, and even votes upon amendments made or rejected, do not answer this purpose. The first only disclose the individual opinions of the speakers; the second frequently do not exhibit the object of those who voted for or against the particular amendment. A speech made by one member is often at variance with the views of those who unite with him in voting for a particular provision. They frequently

sustain it on other and different grounds. So, too, the majority or intermediate vote is frequently composed of the friends and opponents of the bill, the latter advocating a particular amendment with the hope and in the belief that it will prove an incumbrance to the measure in the view of some of its advocates, and thus contribute to its defeat; or they may think that a particular proviso proposed to be stricken out is unnecessary as being comprehended in some other part of the act.

A careful scrutiny of the proceedings of the House of Representatives while this law was pending before them, would show how unsafe a guide the resort to the parliamentary history of a bill would be in the ascertainment of its true construction. This may reconcile us to an adherence to those rules which the wisdom of ages has devised for the interpretation of statutes. We are endeavoring to ascertain the powers and duties of the Board of Regents, and to do this we seek to discover the true interpretation of the act of Congress and the will of Mr. Smithson, which, taken together, confer their powers and prescribe their duties. These two sources of power and duty are spoken of as necessarily connected; for, although the Smithsonian Institution was created by act of Congress, and will cease to exist whenever Congress shall think proper to repeal that act, yet both Congress and the Institution, so long as it continues to exist, are bound to carry the intention of the testator into effect.

The trust has been accepted by Congress in behalf of the United States, and the faith of the United States has been pledged for its faithful execution "according to the will of the enlightened and liberal donor." While, therefore, Congress, acting as agents of the United States, have the power to divert the fund to purposes other than those which may be according to "the will of the liberal and enlightened donor," their right to do so can never be affirmed; and though the Board of Regents can not and do not claim a right to place themselves in an antagonistical position to the Congress of the United States, whose subagents they are, yet in construing the act of Congress, if it will admit of two constructions, one of which seems to be most conformable to the purposes of the will of Smithson, the Regents would not hesitate to accept such construction in preference to the other, which does not conform to the will of the testator. This is merely the application of a principle universally recognized in the interpretation of statutes.

In the present case two constructions are given to the act of Congress. If the Board of Regents consider one of them to be more consonant to the purposes of Mr. Smithson's will, which was the source of the authority of Congress to legislate on the subject for any purpose, it ought to be adopted, since the act was passed evidently for the purpose of carrying into execution "the will of the donor,"

and especially when this interpretation affects two provisions of the act which otherwise would be without object or operation.

The committee will now proceed to inquire whether the scientific researches and the publication of their results are, in the language of the acts of Congress, "best suited to promote the purpose of the testator." The question is between such researches made and published at Washington, or examined under the authority of the Institution and circulated throughout the civilized world, and a great national library to be established in this city. Mr. Smithson was a scholar, a man of science, an author of scientific memoirs, a contributor to the Transactions of the Royal Society of London, familiar with the language in which his will is written, and perfectly competent to decide upon the aptitude of words to convey the ideas they were intended to express.

It might well be expected that the language of such a man would be characterized by simplicity, by the absence of circumlocution and periphrasis, which is well described as the use of many words to express the meaning of one. If he had intended to furnish to the people of the United States, and especially to the citizens of Washington, a great library, comprehending all that was then known in every department of human knowledge and culture, he would have said so in terms not to be misunderstood. The committee can not doubt that if he had merely designed to provide for the purchase of books to become, through the agency of the United States, the founder of a library, he would have used the simple language appropriate to such an intention. He would have said: "I bequeath the whole of my property, subject, etc., to the United States of America to found, at Washington, a library, under the name of the Smithsonian Library."

It is difficult to believe that any man having such an object in view would have abandoned the plain, simple, intelligible language, in which no difference of construction could by any possibility have arisen, and have substituted for it the sentence which is found in his will, namely: "To found at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men."

Again, Mr. Smithson was, as the committee have before said, a man of science, the author of scientific memoirs, a member of the Royal Society, and a contributor to its Transactions. What is more natural, than that such a man should, when about to pass away from the scene of action, dedicate his property to the continued prosecution of those researches to which his life had been principally devoted. The words of the bequest are strongly corroborative of this view. It is for the "increase of knowledge," not merely for the acquirement of that which now exists. A library would subserve the latter purpose, but could only indirectly aid in the accomplishment of the former by ena-

bling those who had mastered its contents to do what the board is now doing, namely, to prosecute researches for the increase of knowledge. But the terms of the bequest require not merely that it should be applied to the increase of knowledge, but also to its diffusion, and to its diffusion among men.

The benevolent purposes of Mr. Smithson were not limited to the citizens of Washington, nor yet to the people of the United States. They had a far wider scope. A man of science belongs exclusively to no particular country. He is in one sense a cosmopolite, at home in all places where the votaries of science dwell, and under every clime they are the objects of his benevolence. They are men among whom he desires the increase and diffusion of knowledge.

And he has provided for this in his will. How could a vast library established here accomplish this object? At most it would be accessible to the people of Washington, to casual visitors, and for those who came here for the purpose of consulting its volumes. How infinitely short would this fall of the purpose of the testator, which was first the increase and then the diffusion of knowledge among men of whatever country or whatever clime.

If a national library be a national want, who should supply it? Can not Congress, which represents a population of 25,000,000, with resources almost incalculable, and with a treasury not exhausted or impoverished, but overflowing with revenue? Can it not spare out of this abundance whatever may be necessary? Is it not now supplying that want in the great library of Congress, to which in the last three years they have appropriated more than \$90,000? It is accessible now to every scholar who may be at Washington, and will in a few years be so increased under the policy of its present administration as to supply many of the wants of the student and the scientific investigator. Shall a nation such as ours depend for this national want upon the bounty of a stranger? The generous impulse of the American heart will quickly prompt the answer—no.

The resolutions of compromise, as they were called, to which the committee have before alluded, were repealed by the Board of Regents before the period when by their terms they were to go into operation. What has been already said will show that the committee think that they were properly repealed. Their effect was to tie up the hands of the Board of Regents, to deny to the successors of those who passed them the exercise of that discretion with which the law invested the board, and thus to defeat the act of Congress by taking away that discretion in regard to the disposal of the fund which the law made it not only the right but the duty of the Regents to exercise. Nor can there be any breach of faith in this repeal. The faith which the Regents owe is to the law and to the purpose of the will of Smithson, and any arrangement of their own which should restrain them

from promoting this purpose by the means which they deem best suited to it would itself, in the opinion of the committee, approach more nearly to a breach of faith.

The Regents by pledging their faith to one another can not escape from the obligation to apply the funds at their control to the objects which they deem best suited to promote the purpose of the testator. The act of Congress, according to the plain import of its terms, authorizes the Board of Regents to employ all moneys arising from the income of the endowment not therein appropriated nor required for the purpose therein provided, in such manner as they shall deem best suited for the "purpose of the testator," namely, "the increase and diffusion of knowledge among men," and this authority is rendered incontestable, in the judgment of the committee, by the concluding clause of the section which empowers the Board of Regents to exercise their discretion in the disposal of the surplus income, "anything herein (the act of Congress) contained to the contrary notwithstanding."

This grant of the power imposes the obligation to exercise the discretion which it confers. Judicial tribunals would never reverse the construction of a statute, the terms of which were so plain and unmistakable, by what is at all times dangerous, a resort to speeches made by a few of the lawgivers who framed it, or the votes of members actuated by motives beyond the scrutiny of the expounder. Looking, therefore, to the act of Congress itself, which, as was said by a Senator in a recent discussion, is best construed by "the examination and comparison of its various provisions and the admitted purpose of its enactment," the committee found no difficulty in coming to these conclusions on this point. They find in the law directions to the Board of Regents to erect, on a liberal scale, a building in which can be arranged collections of natural history, a geological and mineralogical cabinet, a museum, a library, chemical laboratory, gallery of art, a lecture room, and, of course, to use these various means of increasing knowledge in the manner and for the purpose to which they are adapted, and for which they are required. In effect the law says: "All other portions of the income dispose of as you may think best calculated to promote the purpose of the testator." A larger discretion can hardly be conceived. It is absolutely unlimited in relation to every one of its objects except a library, and to this the appropriations, which the Regents are authorized to make, are limited to a maximum amount which they are not at liberty to exceed. It would seem to be most singular if this had been the primary and cherished object of Congress that it should be the only one subjected to such a limitation.

It might be thought, if this had been their primary purpose, that the restrictions would have been imposed upon the appropriations for other objects, leaving that for the library unfettered. If we turn from the act of Congress to the will of Smithson to determine the

manner in which the trust should be executed, if we look to his antecedents and find that he was himself a searcher into the mysteries of nature which science is laboring to develop—not so much employed in studying the pages of those who have written as striving to read the unwritten pages of nature's book—if we consider the plain and obvious import of the simple language in which his wishes are expressed and contemplate the benefits to result from one or the other scheme of appropriation which have been in controversy; if we consider these things we can not doubt that it is both the right and the duty of the Regents, resulting from the will of Smithson and enjoined by the act of Congress, to appropriate such portion of his funds as they can advantageously employ in scientific researches and the publication and circulation of the results “among men,” wherever men exist capable of appreciating them, while at the same time they apply another portion of the fund, according to a sound and honest discretion, to the particular purposes specified in the act.

Thus they will not depart from any plan devised by Congress and prescribed in the act, as Mr. Choate seems to have erroneously supposed, but will fill up and develop that very plan, of which only some of the outlines were sketched in the law.

It would be impracticable within the limits proper to this report to go into the examination of the minute outline of organization of the Institution submitted to the Board of Regents by the secretary, and approved by them. It will be found printed in detail in the appendix to the eighth annual report of the Smithsonian Institution, published by Congress in 1854.

A brief notice of the plan and of its results is all that we can here present.

The object of the plan is, first: To increase knowledge by stimulating original research by the rapid and full publication of results; by aid in procuring the materials and appliances for investigation; and, if necessary, by direct rewards.

Experience has shown that no other means are so effective in stimulating research as the rapid publication of results; not in a stinted form of abstract, and without illustrations (too often the necessary condition of the publication of scientific labors) but in full, with illustrations drawn, engraved, and printed in the best style of art. How many investigations are stopped for the want of instruments, of specimens, and general appliances for research? How many are laid aside, because, first of all, men must live? What more noble or useful object for the Smithsonian Institution than to remove these difficulties from the path of genius? What more consonant to the intention of the founder: An expedition is setting out and instruments are required to investigate the magnetism of the earth, the temperature of the ocean, the climate, soil, and productions of places explored, their latitudes

and longitudes, heights, etc. These instruments are lent or furnished by the Smithsonian Institution, and the results obtained with them become public property. Means are furnished to explorers to make collections of minerals and ores; of plants and animals; of fishes, reptiles, and insects; and to provide for their transportation from the field. These collections are submitted to the most successful cultivators of the branches of science to which they belong; to men who have made these objects their especial study, and their investigations are made public. The specimens are returned to the Smithsonian collections to be taken care of, and perhaps to be reexamined at some more advanced period. By these and similar modes research is stimulated. The provision of meteorological instruments and of instructions for their use, the collections of the observations made and their comparisons, have already furnished most important information in regard to the climate and storms of the United States, and the full publication of the results will enable men of science of this and other countries to draw from these materials most valuable inferences and laws.

2. To diffuse knowledge, by the publication of the contributions, from researches and explorations, of reports on treatises on different subjects or branches of science and its application, of reports showing the history and progress of these subjects or branches is the second object of the "active operations." These publications diffuse among men the knowledge obtained by the agency of the Institution or from without. The subjects which have been already embraced in the Smithsonian Contributions and in the different volumes of reports, etc., have been numerous and well distributed among the various branches of knowledge—the abstract and the practical. The publications are widely scattered among the institutions of this and of other countries, given to them or exchanged for their proceedings, transactions, or other publications, and accessible at moderate rates to individuals. Of the impression made abroad by the Smithsonian Contributions to Knowledge the learned professor of Greek of Harvard University [C. C. Felton] thus speaks:

CAMBRIDGE, MASSACHUSETTS, *June 30, 1854.*

I have but recently returned from Europe, and I now desire to acknowledge the service you did me by your circular letter of introduction to the librarians of the European establishments which are in correspondence with the Smithsonian Institution. Wherever I presented it I was received with great kindness and attention, and had the opportunity of seeing whatever was curious, interesting, and valuable in the libraries and collections.

It gave me pleasure to notice the high estimation in which the Smithsonian Institution, under its present management, is held everywhere in Europe. The volumes published under its auspices have done the highest honor to American science, and are considered most valuable contributions to the stock of knowledge among men. They are shown to visitors as among the most creditable publications of the age, and as highly interesting illustrations of the progress of science and the arts in the

United States, and the eagerness to possess them is very great among the savants of the Old World. They were shown to me wherever I went, and the commendations bestowed on the civilization of America, as evinced by the excellence of these works, both in matter and form, was deeply gratifying to me. The last time I had an opportunity of seeing them was in the university library at Athens. The librarian pointed them out to me and expressed the greatest anxiety to complete the set, one or two volumes of which were wanting.

The publications thus approved bring to the Smithsonian Institution a return of works published by the learned societies of the world and by governments such as could not be procured in any other way, supplying the library with rich productions of both literature and science. The gradual formation of a valuable library would result from this system of international exchanges even without direct purchase.

The programme of organization of the Institution and its execution have met with the unqualified support of a very large majority of the scientific and literary men of our country, expressed individually or in the associations of which they are members. This is general throughout the Union, and from no quarter have more decidedly favorable opinions been expressed than from that to which the Regent at whose instance this investigation has been made (Mr. Choate) belongs. The committee must necessarily be brief in its selections from the numerous letters and other communications before it. In speaking of the general considerations proposed by Professor Henry as guides in adopting a plan of organization, a committee of the American Academy of Arts and Sciences, of Boston, say that "they command the entire assent of the committee," and proceed to discuss favorably the various provisions for the increase and diffusion of knowledge furnished by the programme. This committee consisted of such scholars as Everett, Sparks, and Longfellow, and such men of science as Peirce and Gray.

Since the appointment of this committee Professor Peirce, of Harvard University, has renewed his testimony to the wisdom of the plan of organization and has spoken further in relation to the efficiency of its execution. In a letter addressed to the chairman of this committee he says:

Of all men none can be more sensible of the value of the great storehouses of the wisdom of past ages than they who are obliged to resort to them in the development of their own researches. The knowledge which has already been given to the world, and which is accumulated in the library, stimulates and invigorates the mind for original thoughts and supplies important materials for investigation; it is to the author what the collection of models in the Patent Office is to the inventor; but, nevertheless, the increase of knowledge depends chiefly upon the native vigor of intellect, and its diffusion is performed by the press. To the strong mind the collections of the Vatican are a golden opportunity, richer than the mineral harvest of California, but not richer than the hills and streams which abound within every man's sight; not richer than the stone beneath our feet, on which is written the

history of the world; than the leaf of the forest, on which is inscribed the thought of its Creator; or than the cloud, in the lightnings of which the laws and the glory of God are as distinctly revealed to the faithful of the present generation as they were upon Mount Sinai.

The valuable contributions to knowledge which have already been made by the Smithsonian Institution are a living proof that vast libraries are not necessary to the development of new thoughts. If you will compare these memoirs with the scientific productions of the same period in Europe, you may find them perchance inferior in erudition, but not in profoundness and originality of thought. Do you believe that Smithson, who was himself engaged in chemical investigation, could have intended a library by his words "an institution for the increase and diffusion of knowledge among men?" If you will examine his 9 memoirs to the Royal Society, of which he was an active member, and his 18 other contributions to science, you will not find one of them that required a library for its production. Each was the natural growth of a deeply thinking mind. Smithson was emphatically a maker and not a collector of books; and in the scientific circle to which he belonged the ordinary use of language would have totally precluded the interpretation which some men of quite a different cast of mind have presumed to impose upon his words. Expand his largeness of expression to its utmost extent; include in it all that a generous mind like his own would desire it to embrace; but let it not be cramped and twisted out of shape and so forced from its original design that it shall wholly fail to accomplish the object of the munificent testator.

Most earnestly, then, in the name of science, and especially of American science, do I protest against such a gross perversion of this important trust. I assure you, sir, that the great body of scientific men throughout the country warmly approve Professor Henry's plan of conducting the Smithsonian Institution and regard it as a faithful exponent of the almost undivided opinion of scientific and learned men as to the proper execution of Smithson's will and the law of Congress.

Professor Agassiz, also of Harvard University, Cambridge, whose fame as a naturalist is second to that of no man living, has given, in a letter to the chairman of the committee, the strongest expression of his favorable opinion of the working of the Institution. The committee has space here only for an extract from the letter referred to:

Smithson had already made his will and left his fortune to the Royal Society of London when certain scientific papers were offered to that learned body for publication. Notwithstanding his efforts to have them published in their Transactions, they were refused; upon which he changed his will and made his bequest to the United States. It would be easy to collect in London more minute information upon this occurrence, and should it appear desirable, I think I could put the committee in the way of learning all the circumstances. Nothing seems to me to indicate more plainly what were the testator's views respecting the best means of promoting science than this fact. I will not deny the great importance of libraries, and no one has felt more keenly the want of an extensive scientific library than I have since I have been in the United States; but, after all, libraries are only tools of a secondary value to those who are really endowed by nature with the power of making original researches and thus increasing knowledge among men. And though the absence or deficiency of libraries is nowhere so deeply felt as in America, the application of the funds of the Smithsonian Institution to the formation of a library beyond the requirements of the daily progress of science would only be, in my humble opinion, a perversion of the real object of the trust, inasmuch as it would tend to secure facilities only to the comparatively small number of American students who may have the time and means to visit Washington when they wish to consult a library. Such an application

of the funds would indeed lessen the ability of the Smithsonian Institution to accomplish its great object, which is declared by its founder to be the increase and diffusion of knowledge among men, to the full extent to which they may be spent to increase unduly the library.

Moreover, American students have a just claim upon their own country for such local facilities as the accumulation of books affords.

If I am allowed, in conclusion, to state my personal impression respecting the management of the Institution thus far, I would only express my concurrence with the plan of active operations adopted by the Regents, which has led to the publication of a series of volumes equal in scientific value to any productions of the same kind issued by learned societies anywhere.

The distribution of the Smithsonian Contributions to Knowledge has already carried the name of the Institution to all parts of the civilized world and conveyed with them such evidence of the intellectual activity of America as challenges everywhere admiration; a result which could hardly be obtained by applying the resources of the Institution to other purposes.

### 3. Additional legislation.

From what has been already said it may well be inferred that the committee have been unable to see anything, either in the provisions of the law or the administration of the Institution, which requires reform by additional legislation. Indeed, they could not imagine on what ground additional legislation could be demanded if they had not been informed by the Hon. Mr. Meacham, who presented the resolution under which the committee was appointed. That gentleman was invited to attend the meetings of the committee, was authorized to present charges and specifications upon any branch of the subject referred to them, as also to direct summons for witnesses, and to conduct the examination whenever he desired to do so. He pointed out only two particulars as requiring additional legislation.

The first was "that additional legislation was needed to secure impartiality toward authors who apply for the publication of their researches." No instance of partiality or injustice in this respect has been brought to the notice of the committee by proof or by allegation. The idea seems to have been advanced for the first time by one of the assistants of the Secretary, Mr. Jewett, in a communication addressed to a special committee of the Regents in the year 1854.

The argument there made by Mr. Jewett has been abbreviated by Mr. Meacham, and may be stated as objecting that the power of accepting or rejecting a memoir presented for publication is virtually in the hands of one man.

The practice of the Royal Society of London is stated as being far preferable. On this point the committee would remark that the same plan can not be adopted by the Institution because, as the committee has been informed, it has no fellows from whom an examining council of twenty-one members may be selected; and if the plan could be adopted, the committee do not think it is as good as the one which the Regents have chosen. In the present state of knowledge

the several branches can scarcely be represented by twenty-one individuals, and it may occur in case of a particular paper that not a single member of the council is fully competent to decide upon its merits. The Institution is not thus restricted; it has at its command the learning of the whole country, and is not even confined in its choice of examiners to men of science at home, but can select them from distinguished individuals abroad.

The rules adopted by the Regents are in this respect few and simple and, in the opinion of the committee, sufficient. They have provided in their programme of organization as follows:

First. No memoir on subjects of physical science to be accepted for publication which does not furnish a positive addition to human knowledge, resting on original research; and all unverified speculations to be rejected.

Second. Each memoir presented to the Institution to be submitted for examination to a commission of persons of reputation for learning in the branch to which the memoir pertains; and to be accepted for publication only in case the report of this commission is favorable.

Third. The commission to be chosen by the officers of the Institution, and the name of the author, as far as practicable, concealed unless a favorable decision be made.

It will be perceived that there is nothing like a "star chamber of science" in this part of the plan of the Institution. The opinion of the commission is formed upon the merits of the work or paper, and can not be affected by partiality for or prejudice against the author, whose name is unknown to them.

If any author should feel himself aggrieved by the appointment of an incompetent or prejudiced commission, he will have no difficulty in presenting a complaint to the Board of Regents, by whom another commission may be named. In fact, no well-founded complaint on this score has yet been made, so far as has been shown to this committee, and the danger complained of seems to them only speculative and fanciful. The Board of Regents have full power to remedy whatever may be wrong in the practical working of this part of the plan, and it will be time enough to ask the interference of Congress when the evils which are now only conjectural shall be realized.

Mr. Meacham suggests "that the Institution should be placed in such a position that legal redress may be gained by those who are improperly deprived of their rights."

It is true that the Institution is not a corporation capable of suing or being sued. But no practical evils have as yet resulted from the refusal of Congress to make the establishment an incorporation. It is a peculiar establishment. Its operations are simple and few. Its contracts are such as can seldom form the subject of controversy. If the Institution should find necessity for legal redress, there is nothing to

prevent the President, who is a member of the establishment, from directing a suit in the name of the United States. If it denies legal rights to any officer or other person, the same remedy exists as in any other case of claim against the United States. No instance of a denial of legal right has been shown to the committee. An attempt to do so was indeed made on the part of an employee of the Institution, who claimed to be entitled to larger compensation than had been paid to him. But the attempt was a signal failure. His own receipts contradicted his claims and satisfied the committee that he had been paid all he could legally demand; and the assertion of extraordinary merit in his labors, alleged as an equitable ground of claim, failed when a resort was had to testimony other than his own.

The committee therefore conclude that there is no necessity for additional legislation.

#### 4. Maladministration.

The first of Mr. Meacham's complaints under this head is "that the Regents have made the Secretary the organ of communication between them and the other officers of the Institution, cutting off other officers from direct official intercourse with the board, neglecting or refusing to procure or make by-laws defining the position and power of persons employed in the Institution, and expressing the opinion that all the assistants are removable at the pleasure of the Secretary."

This complaint seems to be founded on an entire misapprehension of the act of Congress creating the Institution, and the proper relations of the Secretary and his subordinates. By the act of Congress the Secretary is the sole administrative officer of the Institution. The other officers are not only his subordinates, but are nothing more than his assistants, who are employed to assist him in his duties, because it is physically impossible for him to perform all of these duties himself. The law charges the Secretary alone with the duties enumerated, and therefore devolves upon him the sole responsibility, unless when it is shared with the executive committee of the Regents, whose functions are not precisely defined in the law, but who act as a board of control or council to the Secretary. We adopt on this subject the reasoning of the special committee of the Board of Regents in their report of the 20th of May last, as follows:

The law is declaratory and positive in charging the Secretary with the enumerated duties, and therefore invests him and him alone with the corresponding powers. But as it must have been manifest that no secretary could be able of himself to perform personally everything required for the discharge of his enumerated duties, provision is made for aid to him in the clause which says that he "may, with the consent of the board, employ assistants," etc.

The positions of the persons so employed are determined by the word which designates them in the clause authorizing their employment. They are called "assistants." To whom? Not to the Regents, but to the Secretary. Their position is necessarily subordinate; and, as their duties are those of assistants to their principal, they can

no more be independent of him than they can be superior to him. This construction is so manifestly proper that it would seem to require no argument to justify it. But if anything further were wanted it may be found in the fact that the Secretary is to employ them in and about that very business with which he is charged and for which he alone is responsible. The character of this part of the section is permissive. He is not required to employ anyone, but is permitted to employ persons to assist him, provided he satisfy the board that their services are necessary as aids to him.

In another part of the same section provision is made for the payment and, if need be, the removal of the Secretary and his assistants, and in this connection they are spoken of as officers, but by no ingenuity of construction can that word, in this connection, be held to assign them special duties or confer any separate authority.

Thus careful has Congress been to provide an efficient system of operations, which can only come from harmony of purpose and unity of action.

This view of the intention of Congress, so clearly expressed in the law, would be directly contradicted by the plan which has been suggested of organizing the Institution definitely into several departments, placing at the head of these departments different assistants, establishing their relative positions, prescribing distinct duties for them, assigning certain shares of the income to be disbursed by them, and stating their authority, privileges, and remedies for infringement of their official rights, or of the interests intrusted to their care. All this would tend, not to secure a loyal and harmonious cooperation, to a common end, of the assistants with the Secretary, but to encourage rivalry, to invite collision, to engender hostility, to destroy subordination, to distract the operations of the Institution, to impair its efficiency, and to destroy its usefulness.

This view of the question has been made very clear to the committee in the course of the examination which they have made, and by the testimony taken for the purpose of supporting Mr. Meacham's charges. All the difficulties in the Institution, which have resulted in the dismissal by the Secretary of one of his assistants and of a person temporarily employed upon the meteorological computations, seem to have arisen from the desire of independent positions, engendering rivalry and hostility, producing collisions and insubordination utterly incompatible with the proper authority of the Secretary and the harmonious action so necessary to the welfare of the Institution. The facts developed in regard to those difficulties entirely satisfy your committee that it is not desirable to have such by-laws as Mr. Meacham thinks the Regents should have made or procured.

If any just cause of complaint by the assistants against the Secretary should arise, they can at all times resort for redress to the Regents by memorial or other proper form of application, and the patience with which such an application, although entirely without cause, has been heard by the executive committee, to which it was referred, and considered by the Regents is quite sufficient to show how needless for the purpose any by-laws are.

It may be proper to say that the only section of the law in which by-laws are mentioned is the eighth, which seems to confer the power of enacting them upon the members of the establishment, who are the President and Vice-President of the United States, the members of

the Cabinet, except the Secretary of the Interior (whose Department was not created at the date of the act), the Chief Justice of the United States, the Commissioner of Patents, and the mayor of Washington, with "such other persons as they may elect honorary members."

The Regents have expressed the opinion that the Secretary has power to remove the assistants. This opinion is expressed in the following resolution, adopted in July last:

*Be it resolved*, That while power is reserved in the said (seventh) section to the Board of Regents to remove both the Secretary and his assistants, in the opinion of the Board, power, nevertheless, remains with the Secretary to remove his said assistants.

In this opinion the Chief Justice of the United States and Mr. Berrien, who were absent when the resolution was passed, afterwards expressed their full concurrence.

The committee can not doubt that it was a sound opinion. The law, as before stated, makes the Secretary the sole administrative officer of the Institution. He, and he alone, is keeper of the Museum and librarian. The law puts all the property of the Institution into his charge, and authorizes him alone to appoint assistants to aid him in the discharge of the duties devolved upon him. Had the act made no further provision on this head, there could not be a doubt that the power of removal would be in him, because it is an established principle that when the power to appoint is conferred, the power of removal is incident to it, unless restrained by some other provision. There is another clause in the same section (seventh) which applies as well to the Secretary as to his assistants, which provides that "the said officers shall be removable by the Board of Regents whenever in their judgment the interests of the Institution require any of the said officers to be changed."

Under this clause the question arises whether it restrains the incidental power of the Secretary to remove, or whether, in addition to that incidental power, it gives, as regards the assistants, the authority of the Board to make such removal. Your committee think the latter the sound construction. It does not restrain the power of the Secretary by express words or by necessary implication. It is true that the clause gives to the Board superior power, inasmuch as they may remove an assistant without the concurrence of the Secretary, and even against his wish, but this power may well exist without conflict with the incidental authority of the Secretary. The same reasons which cause the Secretary to be invested with authority to appoint justify and require his power to remove. The Hon. George M. Dallas, late Vice-President of the United States, and Chancellor of the Institution, adopts this view, and in an opinion upon this subject says:

It is clear that the act of Congress does not confer upon the Board of Regents the power to appoint the assistants of the Secretary, and for reasons too palpable to

require mention. But if the Secretary has not himself, under his own mere motion, a right to remove, it would be impossible to imagine reasons why the power of original appointment was not given to the Board.

In other words, the reasons which excluded the Board from appointing are identically the reasons which preserve to the Secretary the power of removing. It may, perhaps, render it more perspicuous to add that these reasons are the official responsibilities and practical personal intercourse of the Secretary with his assistants.

Besides, it is very evident that the interests of the Institution might often be in peril if the power of removal were denied to the Secretary.

The Board of Regents are not in session during a great part of the year. Many of them reside at great distances from Washington, and could not be assembled without much inconvenience to themselves and heavy expense to the Institution. During this period it might be of the utmost importance to remove an unfaithful assistant. He might cease to do that for which alone he was appointed, to assist the Secretary in the affairs of the Institution. He might refuse to deliver up to the Secretary the property of the Institution which the law puts in his charge. He might threaten and intend to destroy it, might treat the Secretary with personal indignity, and insult and defame the Regents, and spread insubordination throughout the Institution. For such conduct there would be no prompt and adequate remedy unless the Secretary possessed the power of removal. One case of this kind has already occurred. A person in the employment of the Institution has refused to deliver up certain papers, the property of the Institution, and threatened to destroy them. He has also written a letter, which was published over his own signature in a New York paper, vilifying the Secretary and several of the Regents, by name, in the most abusive language. For this and other causes during the last recess of Congress he was removed by the Secretary, and, as the committee can not doubt, most justly removed. This very individual was the principal witness against the Secretary on the examination before your committee.

We think that the resolution of the Regents, above quoted, while maintaining the superior authority of the Board, properly asserted the power of the Secretary.

Your committee regret very much to say that the Secretary was also justified in the removal of Mr. Jewett. His removal was not arbitrary, unjust, and oppressive. Mr. Jewett is a man of talent and scholastic attainments, but it is evident, from his own testimony, that he considered himself as holding an antagonistic position to the Secretary, as "having charge of the library, and being considered by the public as the representative of that interest in the Institution." He construed the law in one way; the Secretary construed it differently. He thought and said that it would be treachery in him to cooperate with the Secretary, according to the latter's construction of the law. He told the Secretary, in effect, that if he attempted to annul the

compromise in the way he proposed, he would shake the Institution to its centre. It is evident that he was impatient of the restraints of a subordinate position, and entertained feelings toward the Secretary which made their harmonious cooperation impossible. In a paper which he submitted to the special committee of the Regents he assailed the motives and honor of the Secretary and criticised harshly and unnecessarily the reports of that officer.

So the special committee of seven Regents, with one exception, reported to the Board, declaring that this paper disclosed feelings of excessive hostility and insubordination. After this, it was manifest that the common civilities of life could not be exchanged between them, and the interests of the Institution required their separation. The Board of Regents accordingly passed a resolution, in January last, approving of Mr. Jewett's removal.

Mr. Meacham also charged the Secretary with claiming and exercising the right to open and read letters directed to his subordinates. The evidence satisfied the committee that the Secretary had neither claimed nor exercised any improper authority in this respect. He expressly disclaimed any desire or authority to inspect the private letters of his subordinates. Their correspondence, in regard to the business of the Institution, he properly claimed to be entitled to examine and control. In the absence of the subordinates he did consider himself at liberty to open letters addressed to them which were evidently of an official character; but it does not appear that he actually exercised this authority, the claim of which seems to have been misunderstood by one of his assistants, and grossly perverted by another person, under the influence of hostile and unjustly suspicious feelings.

The charge of denying scientific right and refusing to take full measures for adjusting the claim of Mr. Blodget was entirely refuted, both by documentary evidence and the testimony of a disinterested party.

These latter charges of maladministration seemed to your committee not to come precisely within the scope of the instructions of the resolution under which the committee was appointed. The Board of Regents might properly have investigated them, and undoubtedly would have done so if asked by the parties concerned. But as testimony was taken in relation to them, the committee feel bound to say that they have not been sustained, and that they consider the Secretary as entirely relieved from the charge of maladministration in every particular. They believe that the Regents and the Secretary have managed the affairs of the Institution wisely, faithfully, and judiciously; that there is no necessity for further legislation on the subject; that if the Institution be allowed to continue the plan which has been adopted, and so far pursued with unquestionable success, it will satisfy all the requirements of the law, and the purposes of Smithson's will, by "increasing and diffusing knowledge among men."

Mr. C. W. UPHAM. I would now ask the unanimous consent of the House for leave to introduce and have passed a resolution authorizing the payment of the clerk of that select committee for the time during which he has been employed.

There was no objection, and the resolution was reported, as follows:

*Resolved*, That the select committee of the House on the Smithsonian Institution be allowed to make compensation, at the usual rate, to a clerk for the period of his services.

The question was taken, and the resolution was passed.

The House having gone into the Committee of the Whole—

Mr. JAMES MEACHAM, of Vermont, said:

Mr. Chairman: It was not my intention to offer any remarks during this session with reference to the Smithsonian Institution. After mature deliberation and consultation with judicious friends of learning, I came to the conclusion that the affairs of that establishment required investigation. I proposed the matter to this House. They sustained the proposition, and appointed a special committee of inquiry. To them I hoped the matter would be left till their report should be presented. I believed, sir, that in the hands of a select committee of this House, the interests of literature and science connected with the Smithsonian Institution would be safe.

But the unexpected course of the gentleman from Indiana [Mr. English] in stepping forward to eulogize the Institution before it had been attacked here seems to require me briefly to explain and defend my position. For such explanation and defense, I may, in the main, rely on the able and important report presented by the select committee, which, for that purpose, I propose, in substance, to insert in my speech, confining my own remarks to some topics not alluded to by the committee.

The gentleman from Indiana, and some others, seem disposed to view this investigation as indicating deliberate hostility; as intended to give "to the disappointed and dissatisfied an opportunity of assailing the Institution at the public expense;" as manifesting disrespect to the distinguished and honored gentlemen concerned in conducting its affairs, particularly by clothing this committee with power to send for persons and papers. Sir, I do not yield to the honorable gentlemen in my sincere attachment to the cause of knowledge, whether in the form of literature or of science. But the very devotion which I feel leads me to wish to keep its fountains clean. I would not willingly lend myself to the aid of wanton and wicked assaults, nor is it to be supposed that this committee would be less scrupulous; but I believe that "the disappointed and dissatisfied" may sometimes deserve, or need, protection, and redress. I would not be wanting in respect for men in exalted positions; but I know that under the authority of the purest

and most elevated, abuses may arise and require investigation, though not the imputation of individual blame. I am not the first member of the Board of Regents who has believed that the Institution had departed from the course marked out for it by Congress. One who had a large share in shaping its charter, within the first three years of its history declared in his place in this House that he "believed the Board of Regents would be and ought to have been long since made acquainted with its direct responsibility to the power that had created it." And lately a very distinguished member of the Board resigned his seat in consequence of his conviction that the administration of the Institution was not in accordance with the law.

In this country there is, perhaps, no precedent for an investigation in all respects like this simply because, before the existence of the Smithsonian Institution, there had not been, under the direction of our Government, any establishment for the promotion of knowledge in general. But we are not at a loss for precedents. The British Museum served as a model with many of those actively engaged in framing the charter of the Smithsonian Institution. It is under Government control. During the last twenty years its affairs have twice been made the subject of investigations by select committees of the House of Commons, and once by a special royal commission. The committees and the commission were each clothed with power to send for persons and papers. That institution was under the management of the highest dignitaries and the first noblemen of the realm.

In the debate in the House of Commons on the appointment of one of these committees, Mr. Warburton quoted the complaints of Sir Humphry Davy, that "there must be a general change in everything belonging to the Institution before a proper system of radical improvement could be affected;" and Mr. Hume declared "that it was imperative on the gentlemen connected with that Institution to defend themselves, and unless they make a good defense, it would be impossible for Parliament to allow them to continue in their present condition."

Mr. Chairman, it is not my intention to follow the gentleman from Indiana through his remarks. I shall confine myself to a few of the most important points. The gentleman maintains that the provisions of the act of Congress have been observed. This is the main issue between the two parties to this Smithsonian controversy, and is ably discussed in the report of the select committee.

The view which the committee have taken of the meaning of the law was that of the first Regents, fresh from their labors in framing the charter, and unbiased by influences subsequently brought to bear upon them.

On the second day of their first session a committee was appointed upon the clause requiring the appropriation for a library, and in-

structed "to prepare a report upon the subject of the formation of such a library, indicating its general character," etc.

In their report, which was long and elaborate, the committee say:

They see in the language of the act, which the Regents are created to administer, and in the history of the passage of that act, a clear intimation that such a library was regarded by Congress as prominent among the more important means of increasing and diffusing knowledge among men. This intimation they think should control, in a great degree, the acts of the Regents. They will not, however, withhold the expression that the apparent policy of Congress in this particular is marked by profound wisdom, that it rests on a right of construction of the terms, and an enlarged appreciation of the spirit of the bequest.

They recommended the appropriation of \$20,000 of the income "for the present" to the library, independent of salaries, and this recommendation was adopted. I pause to remark, that if this resolution had been carried out, we should even now have much the largest library in this country. It would be something to have, to see, to use, to grow, and I ask you to place beside this the half dozen quarto and the half dozen octavo volumes published by the Institution, and tell me which you would prefer? Which would tend most for the increase and diffusion of knowledge?

Instead of this library what have we? Why, sir, a meager collection of some 14,000 volumes, besides pamphlets, etc., made up of copyright books, imperfect sets of periodicals and publications of societies, and university theses—with doubtless a good proportion of important and valuable works; but the whole how insignificant in comparison with the great and noble design! We have heard it stated that the library is worth \$40,000. This is a preposterously exaggerated estimate. I do not believe that an intelligent bookseller could be found who would value it at a third of the sum! If the value of the museum and apparatus be equally exaggerated we must abate largely from the vaunted possessions of the Institution; and then, sir, this library is cramped into inconvenient and uncomfortable quarters, and shut up from the public, at a time, too, when there is an unusual concourse of people at the Institution.

As to the origin of the present difficulties, I particularly demur to the statement of the gentleman from Indiana. He represents the question to have been whether the funds should be used to build up a library as a paramount object, or whether they should be applied, not only for a library, but for such other purposes as the Regents might think would best accord with the will of Smithson and the act of Congress. Not so, sir. The present difficulty originated in a proposition to annul the "compromise" which divided the income equally between the library and the museum on one part, and publications, researches, and lectures on the other; for the purpose of giving more to the latter department, making that a paramount and controlling interest.

Let me briefly explain this compromise.

The first sense of the Regents respecting the library was soon contested under a new reading of the law, one which made the section authorizing the Regents to dispose of the possible surplus or residuum the chief clause of the act overriding all the rest and overruling all other details. Under this construction new purposes were to be introduced; purposes dissimilar to those provided; purposes which had been proposed to and discussed and rejected by Congress—namely, the publication of books and the instituting of scientific researches.

The early days of the Institution seemed likely to be embittered by controversy resulting from this new movement, but in a magnanimous spirit of conciliation the friends of the library agreed to a “compromise” dividing the income after the building should be completed equally between the library and museum on one side, and publications, researches, and lectures on the other.

The friends of the library reconciled their course with the law thus: If \$20,000 a year be expended for books during the four or five years while the building is in progress we shall gather a considerable library, and then we may be justified in believing that for the future the share that will come to the library under the compromise may be considered as meeting the requirements of the law, the friends of the scientific scheme will be propitiated, and perpetual harmony secured.

I think, sir, that they strained their discretion, but they acted in the spirit of conciliation worthy of a fairer requital than it has met.

Let this matter be distinctly understood. The friends of the library did not begin this controversy. They held to the compromise, and asked only that it should be faithfully administered. They demanded no more for the library than it was entitled to under the compromise. They did not ask that it should be made the paramount interest (although some of us believe that such is its legal position). We were content to abide by the compact; we so voted. It was the proposition coming from the advocates of the publication system to annul the compromise and reduce the library to the condition of a mere appendage of the new purposes that led to discussion, and finally, through much irritation, to our present position.

We are not in any wise responsible for these difficulties. We plant ourselves on the law. For the sake of peace we have been willing to adhere to the compromise. We have had reason to raise the controversy on other grounds, for although the resolution of the board giving \$20,000 of the income to the library was not repealed, the money was withheld. As an offset the compromise was to be observed before the finishing of the building. We think it was not fairly administered. We did not, however, take issue on that point, but only on the formal proposition to rescind.

We may not inaptly retort insinuations of illiberality. We hold to the law, and the law requires a universal library, one “composed of

valuable works in all departments of knowledge;" one for the man of science, the artist, the mechanic, the historian, the scholar, the seeker of knowledge of whatever name; one open to men of all States and all nations. But we are called upon to yield up everything to men of science. The scientific men are down upon us, as if their craft were in danger. They come in societies, and as individuals. Smithson, though a chemist and member of the Royal Society, appears to have been a man of general culture, and to have had sympathy for "knowledge" without any restrictive epithets. By consulting solely the wishes of one particular class of the devotees of knowledge, who cherish only what is called science, we should limit his intentions,

And give up to party what was meant for mankind.

I have not sought letters of recommendation for the library plan, nor have others for me. I doubt not I could have obtained thousands. To show them on either side seems to me idle parade. We doubt not that librarians in Athens and Paris are glad to get handsome books from America and are ready to praise them before our traveling countrymen. 'Tis polite to do so. We doubt not that scientific men like to have means of publishing their works, too heavy for booksellers. We need not here doubt that it may sometimes be useful to publish, gratuitously, books that people do not care enough about to buy. But the question here is, Can the Smithsonian Institution lawfully devote itself to such a purpose exclusively or principally?

The gentleman from Indiana puts prominently forward the fact that the funds of the Institution have not been squandered. This seems irrelevant, for it had not been so charged. But he thinks it a high meed of praise that its capital has been augmented. If the object of the Institution were the increase of its wealth this would indeed be just cause for satisfaction. But, sir, this establishment was created not to hoard money, not to speculate upon it, not to increase its income, but to spend money "for the increase and diffusion of knowledge." We want knowledge more than gold. We have no commission to accumulate for future benefit, but to spend for continual profit. We should remember,

There is that scattereth and yet increaseth; and there is that withholdeth more than is meet, but it tendeth to poverty.

It is asked, If Smithson intended a library would he not have said so? I reply by asking, If he had meant a learned society would he not have said so? He knew all about learned societies and seems to have become dissatisfied with them. I can not suppose that he meant to indicate anything in particular and exclusively; but I suppose he intended to give his money to whatever the United States, in the discretion of its Government, might deem best suited to promote his general purpose.

For one, sir, I suppose that Smithson regarded the foundation of a "Smithsonian Institution" from his property as only a possibility. Look at the facts. He left the income of his property for life to a nephew, and the property "absolutely and forever" to the descendants of the nephew, if he had any, "legitimate or illegitimate." The nephew was a young man leading a roving life in France and Italy. What was the chance that the contingency would ever arrive when the United States could claim the legacy—that of failure of descendants of the nephew? A sentence has been quoted from one of his papers to the purport that his name would live in the memories of men when the titles of the Percys and Northumberlands were extinct or forgotten, and it seems to be inferred that he was then thinking of this Institution. But it is altogether more likely he was thinking of the articles which he had published in the *Philosophical Transactions*. Every scientific man deems the acceptance of his articles there a sure passport to immortality; and this view is rendered more probable by what is asserted, that he took such offense at the rejection of one of his papers by the Royal Society as to change his will. But I do not, after all, see the applicability of this; for the name of Smithson would be as much attached to the Smithsonian Institution, and live with it as long and as honorably if that Institution becomes what Congress intended, as if it becomes anything else. Is not the British Museum or the Bodleian Library as well known as any other institution in the world?

To the phrase "active operations" I will devote a passing word.

The publication of books and the assumption of researches have been called "active operations," as if everything else were in comparison but standstill. I should have liked to see activity in finishing the building and in filling it with the stores of knowledge. Active operations of this kind would have tended "to stimulate and invigorate the mind for original thought, and supply important materials for investigation," to use the language of one of the gentlemen who has been quoted to show that anything but an exclusive devotion of this fund to science is a "gross perversion" of the trust. It has been repeated to me that another of these gentlemen was in the habit a few years ago of saying, "You can do nothing for science in this country till you have books—large libraries;" and this he said in special reference to the Smithsonian library. But then, sir, the Smithsonian question had not become one of physical science versus everything else.

One gentleman refers to the great Humboldt as not the possessor of a private library. But he had constant access to the Royal Library of Berlin, one of the best in the world. Now, what we want is to furnish scientific and literary men in this country with such public facilities for research that they will not, on the one hand, be obliged to expend their limited means in buying themselves, nor, on the other,

abandon their researches for the want of books. For us this case of Humboldt is remarkably apropos.

In order to show how intensely active these "active operations" are, the gentleman from Indiana has quoted a long list of works published by the Institution. But, sir, you will probably be surprised to learn that with the exception of a few octavo pamphlets, making in all only about 1,000 pages, the first six titles include the whole that follow. The rest are merely the table of contents of the first six. Six quarto volumes making less than 3,000 pages and about enough in octavo to make a volume of 1,000 pages exhibit the sum and substance of the "active operations" of the Smithsonian Institution for eight years—say 500 pages, great and small, a year.

I have heard it argued that the "active operations" are justifiable on the ground that Congress ordained a laboratory, that a laboratory implies researches, and researches must be published. But, sir, I have looked through the Smithsonian publications, and made inquiries with the view of ascertaining what results they contain, procured at the Smithsonian laboratory. I could find none. I asked where are the Smithsonian researches? Where are the "new truths" which have been developed at the Smithsonian? The books published were contributed to knowledge by the authors who wrote them, for the most part without pay. The Smithsonian merely published them. The Smithsonian laboratory is next to nothing, and nothing but experiments and illustrations for lectures have come from it, as yet, so far as I can find.

Now these operations are held up as the exponent of American activity in discovering new truths. I do not find any very efficacious activity, and, as to the proportion of absolutely new truths due directly to the Smithsonian among these publications, I fear they would, notwithstanding all the talk about them,

Should some cold critic dare to melt them down,  
Roll in his crucible a shapeless mass,  
A grain of gold leaf to a pound of brass.

I do not, sir, by any means object to these publications on the ground that they do not contain new truths. I go for truth, old or new, but I object to the holding them up before the world as the measure of American active operations in the discovery of truth and as conveying the idea that the Smithsonian Institution is the great active truth-discovering engine of American science. The idea that it has been so, or would become so, although it has done more than all else to encourage the present course of the Institution, is, in my opinion, fallacious. It can not, I think, be too strongly represented that discoveries are not made by direct active operations of societies anywhere, but by the active operations of individual minds, which minds may be in various ways brought up to the effort. The hope of reward

may, indeed, serve sometimes as a stimulus, but I believe that the history of science shows that such rewards are generally valuable as rewards rather than as incentives. The hope of having results published with the stamp of high approval may operate as an incentive to effort; but incentives, especially in this country, are less needed than means and aids, and a library is one of the most effectual and, especially in this country, the most needed as a means and aid to exertion in the advancement of knowledge.

Mr. Chairman, on this last day of the session I have not the time to produce the multitude of considerations which crowd upon me on this subject, but I am happy to be able to present those most important in the lucid argument and appropriate language of the select committee.

[Mr. Meacham then gave copious extracts from the report of Mr. Upham, the whole of which will be found in preceding pages.]

#### ARMORY BUILDING.

*March 3, 1855.*

Civil and diplomatic act for 1856.

And the Secretary of War be, and he hereby is, directed to cause to be constructed on such site, in a central position on the public grounds, in the city of Washington, as may be selected by the President of the United States, a suitable building<sup>1</sup> for the care and preservation of the ordnance, and arms, and accoutrements of the United States, required for the use of the volunteers and militia of the District of Columbia, and for the care and preservation of the military trophies of the Revolutionary and other wars, and for the deposit of newly-invented and model arms, for the military service, and said ordnance and arms, and the building to be used by the volunteers and militia of the District of Columbia, under such regulations as may be prescribed by the President, and for the purpose of carrying this act into effect, the sum of \$30,000 be, and the same hereby is, appropriated out of any money in the Treasury not otherwise appropriated.

(Stat., X, 665).

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#### THIRTY-FOURTH CONGRESS, 1855-1857.

##### OPERATIONS OF THE SMITHSONIAN INSTITUTION.

*January 28, 1856—Senate.*

Mr. LYMAN TRUMBULL presented a memorial from a committee appointed at the Illinois State educational convention, praying for a grant of land to each State in the Union, for the purpose of endowing

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<sup>1</sup> Designated afterwards the Armory building.

industrial universities, to cooperate with each other, and with the Smithsonian Institution, at Washington, for the education of the industrial classes and their teachers, accompanied by resolutions adopted by the Legislature of the State of Illinois, favoring the project. Referred to the Committee on Public Lands.

#### REPORT OF THE SMITHSONIAN INSTITUTION.

*May 23, 1856—House.*

Report of Smithsonian Institution for 1855 presented.

Mr. W. H. ENGLISH moved that 10,000 extra copies be printed.

*July 25, 1856—Senate.*

Report of the Institution for 1855 presented, and ordered to be printed.

Mr. J. A. PEARCE moved that 10,000 extra copies be printed.

*July 29, 1856—Senate.*

*Ordered,* That 10,000 additional copies of the tenth Annual Report of the Regents of the Smithsonian Institution be printed—2,500 of the same to be for the use of the Institution.

*August 9, 1856—House.*

Resolution adopted:

That 10,000 copies of the Report of the Smithsonian Institution for the year 1855 be printed—7,500 for the use of members of the House, and 2,500 for the Institution.

*February 18, 1857—House.*

Report for 1856 presented, and ordered to be printed.

*February 28, 1857—Senate.*

Annual Report for 1856 presented, and ordered to be printed.

Mr. G. N. FITCH moved that 10,000 copies be printed.

*March 3, 1857—Senate.*

On motion of Mr. R. W. JOHNSON, of Arkansas, it was—

*Resolved,* That there be printed, for the use of the Senate, 10,000 extra copies of the Annual Report of the Board of Regents of the Smithsonian Institution, 2,500 of the same to be for the use of the Institution; and that the Secretary be authorized to add to the portion of his report now before the Senate such matter as may be necessary to complete the same: *Provided,* That such additions shall not exceed in the aggregate 423 pages, the number of pages contained in the tenth Annual Report. *And provided, further,* That the entire amount of copy necessary to complete the said report be placed in the hands of the Public Printer by or before the 10th day of April next; but no portion of said copy shall be placed in the hands of the Public Printer until the whole shall have been completed and delivered into the hands of the Superintendent of the Public Printing.

*March 3, 1857—House.*

Resolution adopted:

That there be printed of the Report of the Regents of the Smithsonian Institution for 1856, 10,000 copies—7,500 for the use of members of the House, and 2,500 for the use of the Institution.

## APPOINTMENT OF REGENTS

*By the Vice-President.**June 19, 1856—Senate.*

On motion of Mr. S. A. DOUGLAS, James A. Pearce was reappointed Regent by the President of the Senate.

*March 6, 1857—Senate.*

The President of the Senate (Mr. JESSE D. BRIGHT) appointed James M. Mason as Regent.

## APPOINTMENT OF REGENTS

*By the Speaker.**February 26, 1856—House.*

The Speaker (Mr. NATHANIEL P. BANKS) made the following appointments as Regents: Hiram Warner, of Georgia, James Meacham, of Vermont, William H. English, of Indiana.

Mr. JAMES MEACHAM. In the nomination of Regents of the Smithsonian Institution made by the Speaker this morning I find that my name stands in the list. I feel grateful to you, Mr. Speaker, for the honor thus conferred upon me, but I beg of you to erase my name and appoint some other member of this House. I have two or three reasons for making this request. In the first place, I have enjoyed the honor and borne the burden of that position for a period of four years, and I think it better that the duty should circulate among different members of the body and that it should not remain stationary. I have another reason for asking to be excused. You, sir, have already placed me in a position on a committee of this House which demands all my attention. I will not conceal that I have another reason, which I shall take another time to explain. It is that I can not approve the present course of that Institution, if it have any course and is not merely standing still and marking time—the mere mockery of motion. It is not producing that impression upon the country and people which it ought to make. I can not consent, and will not consent, to follow an Institution whose leader is smitten with chronic monomania on a single subject—an Institution whose line of march, as I believe, runs athwart the line of law by which it holds its existence. I therefore beg of you to accept my thanks and resignation.

There being no objection, Mr. Meacham's resignation was accepted.

The SPEAKER appointed Benjamin Stanton, of Ohio, as Regent.

## APPOINTMENT OF REGENTS

*By Joint Resolution.**February 12, 1856—Senate.*

Mr. J. M. MASON gave notice of his intention to ask leave to introduce a joint resolution providing that the vacancies in the Board of

Regents of the Smithsonian Institution of the class other than members of Congress, occasioned by the resignation of Rufus Choate and the death of John McPherson Berrien, be filled by the appointment of George E. Badger, of North Carolina, and C. C. Felton, of Massachusetts.

*February 13, 1856—Senate.*

Mr. J. M. Mason offered the above resolution.

Mr. MASON. Mr. President, the Board of Regents have been unable to obtain a quorum in consequence of the delay in organizing the House, and in order to fill the existing vacancies it is desirable that the resolution should be acted on at once. It is one to which, I presume, there is no objection. I therefore ask for its consideration now.

There being no objection, the joint resolution was read the second time and considered as in Committee of the Whole.

Mr. MASON. Mr. Badger is known to every Senator present, and of Mr. Felton I would only say that he is professor of Greek at the Harvard University; that he is a gentleman of eminent literary as well as other attainments, and possesses, perhaps, a better knowledge of literary institutions at home and abroad than most others.

Passed.

*February 21, 1856—House.*

On motion of Mr. A. H. STEPHENS the joint resolution from the Senate of February 13 for the appointment of Regents was passed.

*February 27, 1856.*

*Resolved, etc.,* That the vacancies in the Board of Regents of the Smithsonian Institution, of the class "other than members of Congress," occasioned by the resignation of Rufus Choate and the death of John McPherson Berrien, be filled by the appointment of George E. Badger, of North Carolina, and Cornelius C. Felton, of Massachusetts.

(Stat., XI, 142.)

*January 21, 1857—Senate.*

Resolution adopted:

That the vacancies in the Board of Regents of the Smithsonian Institution of the class "other than members of Congress" be filled by the reappointment of the late incumbents, viz, Richard Rush, of Philadelphia, and Joseph G. Totten, of Washington.

*January 26, 1857—House.*

Resolution of Senate of January 21, 1857, passed.

*January 28, 1857.*

*Resolved, etc.,* That the vacancies in the Board of Regents of the Smithsonian Institution, of the class "other than members of Congress" be filled by the reappointment of the late incumbents, viz: Richard Rush, of Philadelphia, and Joseph G. Totten, of Washington.

(Stat., XI, 253.)

## INTERNATIONAL EXCHANGES.

*August 18, 1856.*

Civil act for 1857.

To enable the Secretary of State to purchase 100 copies, each, of Audubon's "Birds of America" and "Quadrupeds of North America," for presentation to foreign governments in return for valuable works sent by them to the government of the United States, \$16,000.

(Stat., XI, 90.)

## EXPLORING EXPEDITION.

*August 18, 1856.*

Civil act for 1857.

For replacing the works of the Exploring Expedition, destroyed by the fire at Philadelphia, on the 11th April last, the sum of \$10,494.46.

(Stat., XI, 88.)

## CARE OF GOVERNMENT COLLECTIONS.

*August 18, 1856.*

Legislative, executive, and judicial act for 1857.

*For preservation of the collections of the exploring expedition.*—For compensation of keepers and watchmen therefor, and for laborers employed at the rate of \$480 per annum, per act August 4, 1854, \$3,210.

For contingent expenses, \$200.

(Stat., XI, 110.)

*March 3, 1857.*

Legislative, executive, and judicial act for 1858.

*For preservation of the collections of the exploring expedition.*—For compensation of keepers, watchmen, and laborers therefor, \$3,450.

For contingent expenses, \$200.

For the construction and erection of suitable cases to receive the collections of the United States exploring expedition, and others in geology, mineralogy, belonging to the United States, now in the Patent-Office and elsewhere in Washington, \$15,000.

For the expense of the transfer of these collections, and the permanent arrangement of the cases, \$2,000.

(Stat., XI, 219.)

[These appropriations of \$15,000 and \$2,000 were made to the Smithsonian Institution.]

## METEOROLOGY—JAMES P. ESPY.

*February 28, 1857—Senate.*

Resolution passed to print the fourth Meteorological Report by Prof. James P. Esby.

*March 3, 1857.*

Legislative, executive, and judicial act for 1858.

To enable the Secretary of the Navy to pay the salary of Professor James P. Espy for the current fiscal year ending June 30, 1857, \$2,000, the payment to be made in the same manner and under the like control as former appropriations for meteorological observations. And also for the year ending June 30, 1858, \$2,000.

(Stat., XI, 214.)

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### THIRTY-FIFTH CONGRESS, 1857-1859.

#### APPOINTMENT OF REGENTS

*By the Speaker.*

*December 14, 1857—House.*

The Speaker (Mr. JAMES L. ORR) appointed as Regents of the Smithsonian Institution William H. English, of Indiana, Benjamin Stanton, of Ohio, and Lucius J. Gartrell, of Georgia.

#### APPOINTMENT OF REGENTS

*By Joint Resolution.*

*January 7, 1859—Senate.*

Resolution adopted:

*Resolved, etc.,* That the vacancies in the Board of Regents of the Smithsonian Institution other "than members of Congress" be filled by the appointment of Alexander D. Bache, a member of the National Institute and resident in the city of Washington, and George E. Badger, of the State of North Carolina.

*January 10, 1859—House.*

Resolution of the Senate of January 7 to elect A. D. Bache and G. E. Badger, Regents, adopted.

*January 17, 1859.*

*Resolved, etc.,* That the vacancies in the Board of Regents of the Smithsonian Institution of the class "other than members of Congress" be filled by the appointment of Alexander Dallas Bache, a member of the National Institute and resident in the city of Washington, and George E. Badger, of the State of North Carolina.

(Stat., XI, 440.)

#### REPORT OF THE SMITHSONIAN INSTITUTION.

*May 27, 1858—Senate.*

Annual report of the Smithsonian Institution for 1857 presented, and Mr. J. A. PEARCE moved the printing of 10,000 extra copies, 2,500 of which to be for the use of the Institution.

*May 29, 1858—House.*

The annual report of the Smithsonian Institution for 1857 was laid on the table and ordered to be printed.

Mr. W. H. ENGLISH. I move that 10,000 extra copies of the report be printed.

Mr. G. W. JONES, of Tennessee. I hope no extra copies of it will be printed.

Referred to the Committee on Printing.

*June 3, 1858—Senate.*

Mr. R. W. JOHNSON, of Arkansas, from the Committee on Printing, reported resolution:

That 10,000 additional copies of the report of the Board of Regents of the Smithsonian Institution, for the year 1857, be printed—5,000 for the use of the Senate and 5,000 for the use of the Smithsonian Institution: *Provided*, That the aggregate number of pages contained in said report shall not exceed 440, without woodcuts or plates, except those furnished by the Institution: *And provided further*, That the entire amount of copy necessary to complete said report be placed in the hands of the Superintendent of the Public Printing before the commencement of printing any portion of said report.

Mr. ALFRED IVERSON. I object to the resolution, unless the 5,000 copies for the use of the Senate be stricken out. I have no objection to the other 5,000 being printed for the Smithsonian Institution.

Mr. R. W. JOHNSON, of Arkansas. I do not care whether it be published or not. I submit to the will of the Senate.

The Vice-President (Mr. JOHN C. BRECKINRIDGE). Objection being made, the resolution will lie over.

*June 12, 1858—Senate.*

The resolution of June 3 to print report of Smithsonian Institution for 1857 was adopted.

*June 12, 1858—House.*

Mr. M. H. NICHOLS, from the Committee on Printing, submitted resolution:

That there be printed of the report of the Smithsonian Institution 7,000 copies for the use of members of the House of Representatives, and 2,000 for the use of the Institution.

Mr. G. W. JONES, of Tennessee. How much will that cost?

Mr. NICHOLS. The cost will be \$3,500 according to an estimate made by myself. It is a large reduction on the number heretofore ordered. I call for the previous question.

Mr. H. C. BURNETT. I move to lay the resolution upon the table.

Mr. JONES, of Tennessee. I demand the yeas and nays.

Mr. L. M. KEITT. I rise to a question of privilege.

The Speaker (Mr. JAMES L. ORR). The Chair can not entertain the motion pending the call for the previous question.

The House divided on ordering the yeas and nays, and there were—ayes 25, noes 109.

The SPEAKER. The yeas and nays are not ordered.

Mr. BURNETT. I want tellers on the yeas and nays.

The SPEAKER. The Chair thinks the call comes too late. The Chair stated the vote and paused some time before he announced the result.

Mr. BURNETT. The Speaker stooped over a moment and as soon as he rose to an erect position I rose and called for tellers upon the yeas and nays and the result was announced.

The SPEAKER. Did not the gentleman hear the announcement before he addressed the Chair?

Mr. BURNETT. Yes, sir. I heard the announcement, 109 and 25.

The SPEAKER. The application comes too late.

The question was then taken upon the motion to lay the resolution upon the table; and it was not agreed to—ayes 30, noes 97.

Mr. BURNETT demanded the yeas and nays upon the adoption of the resolution.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 84, nays 50—as follows:

YEAS—Messrs. Adrian, Ahl, Andrews, Arnold, Billingham, Bliss, Brayton, Buffinton, Burlingame, Burns, Burroughs, Chase, Cavanaugh, Chaffee, Chapman, Ezra Clark, Clawson, Clark B. Cochrane, Cockerill, Colfax, Comins, Corning, Covode, Cragin, Curtis, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dimmick, Dodd, Durfee, Edie, Fenton, Foster, Gillis, Gilman, Gilmer, Gooch, Goodwin, Groesbeck, Grow, Hatch, Horton, Owen Jones, Keitt, Knapp, John C. Kunkel, Landy, Lovejoy, Humphrey Marshall, Maynard, Moore, Morgan, Morrill, Edward Joy Morris, Freeman H. Morse, Mott, Nichols, Olin, Parker, John S. Phelps, William W. Phelps, Phillips, Pottle, Purviance, Reagan, Ricaud, Ritchie, Robbins, Roberts, Judson W. Sherman, Sickles, Singleton, Samuel A. Smith, Stanton, Tappan, Underwood, Walbridge, Walton, Elihu B. Washburne, Israel Washburn, and Wood—84.

NAYS—Messrs. Atkins, Barksdale, Bennett, Blair, Bonham, Branch, Burnett, Caskie, Clemens, Cobb, John Cochrane, James Craig, Curry, Davis of Indiana, Davis of Mississippi, Dowdell, Eustis, Faulkner, Garnett, Gregg, Hopkins, Houston, Huyler, Jackson, Jenkins, George W. Jones, Jacob M. Kunkel, Leiter, Letcher, MacLay, McKibbin, Miles, Niblack, Peyton, Potter, Powell, Royce, Ruffin, Russell, Sandidge, Savage, Scales, Henry M. Shaw, William Smith, Spinner, Stevenson, Miles Taylor, Tompkins, Trippe, Winslow, and John V. Wright—50.

Agreed to.

*February 23, 1859—Senate.*

The annual report of the Smithsonian Institution, for 1858, was presented.

Mr. J. M. MASON moved to print 10,000 extra copies, 5,000 for the Senate and 5,000 for the Institution.

*February 24, 1859—Senate.*

Mr. G. N. FITCH reported the following resolution:

That there be printed, in addition to the usual number of the report of the Board of Regents for the Smithsonian Institution, for the year 1858, 5,000 copies for the

use of the Smithsonian Institution: *Provided*, That the aggregate number of pages contained in said report shall not exceed 450 pages, without woodcuts or plates, except those furnished by the Institution.

Adopted.

*March 2, 1859—House.*

Mr. S. A. SMITH, of Tennessee, from Committee on Printing, submitted resolution:

That there be printed 5,000 extra copies of the report of the operations of the Smithsonian Institution, for the year 1858; 3,000 for the use of members of the House, and 2,000 for the use of said Institution.

Mr. SMITH, of Tennessee, demanded the previous question.

Mr. G. W. JONES, of Tennessee, demanded a division.

The house divided; and there were—ayes, 88.

The Speaker (Mr. JAMES L. ORR). Does the gentleman insist on his division?

Mr. JONES, of Tennessee. Yes, sir; unless it is proposed to pay for this printing out of the Smithsonian fund.

The division was made; and there were—noes, 45.

Resolution adopted.

#### CARE OF GOVERNMENT COLLECTIONS.

*June 2, 1858.*

Legislative, executive, and judicial act for 1859.

For the preservation of the collections of the exploring and surveying expeditions of the Government, \$4,000.

For the transfer to, and new arrangement of those collections in the Smithsonian Institution, \$1,000.

(Stat. XI, 301.)

*December 16, 1858—House.*

Report of the Committee on the District of Columbia on the memorial of the National Institution for the Promotion of Science, praying for an appropriation for preserving the collection of objects of natural history intrusted to their charge, showed that, in fact, the collections were then in the Smithsonian Institution—they were formerly in the Patent Office, under the charge of the Government—and, therefore, the committee asked to be discharged from the further consideration of the memorial. Concurred in.

*March 3, 1859,*

Sundry civil act for 1860.

For preservation of the collections of the exploring and surveying expeditions of the Government, \$4,000.

(Stat. XI, 427.)

## METEOROLOGY—JAMES P. ESPY.

*June 12, 1858.*

Act for naval service for 1859.

To enable the Secretary of the Navy to pay the salary of Professor James P. Espy, \$2,000; the payment to be made in the same manner and under the like control as former appropriations for meteorological observations: *Provided*, That the employment of a meteorologist, under the contract of the Secretary of the Navy, shall cease on and after June 30, 1859, \$2,000.

(Stat. XI, 317.)

## EXPLORING EXPEDITION.

*February 5, 1859.*

An act providing for keeping and distributing all public documents.

SEC. 7. *And be it further enacted*, That by this act the distribution of all works mentioned in the first section as public documents is intended and directed to be made, except the “Exploring Expedition” conducted by Commander Wilkes.

(Stat., XI, 380.)

*March 3, 1859.*

Sundry civil act for 1860.

For completing certain volumes of the Exploring Expedition now nearly finished, and pay of superintendent, the sum of \$8,220.05.

(Stat., XI, 429.)

## ACT OF ORGANIZATION AMENDED.—COPYRIGHTS.

*February 5, 1859.*

An act providing for keeping and distributing all public documents.

SEC. 6. That the tenth section [relative to copyrights] of an act entitled “An act to establish the Smithsonian Institution for the increase and diffusion of knowledge among men,” approved August 10, 1846, is hereby repealed.

SEC. 8. All books, maps, charts, and other publications of every nature whatever heretofore deposited in the Department of State, according to the laws regulating copyrights \* \* \* shall be removed to, and be under the control of, the Department of the Interior, which is hereby charged with all the duties connected with the same, and with all matters pertaining to copyright. \* \* \*

(Stat., XI, 380.)

**THIRTY-SIXTH CONGRESS, 1859-1861.****APPOINTMENT OF REGENTS***By the Vice-President.**January 26, 1860—Senate.*

The President of the Senate (Mr. JOHN C. BRECKINRIDGE) reappointed Stephen A. Douglas as Regent.

*January 12, 1861—Senate.*

Mr. S. A. DOUGLAS submitted a resolution that the Vice-President appoint a member of the Senate to fill a vacancy in the Board of Regents, which was to occur on the third of March following by the expiration of the term of James A. Pearce.

Mr. JOHN P. HALE objected and resolution was laid over.

*March 3, 1861—Senate.*

Mr. S. A. DOUGLAS reintroduced resolution of January 12 to appoint a Regent; agreed to.

The President of the Senate (Mr. JOHN C. BRECKINRIDGE) reappointed James A. Pearce as Regent.

**APPOINTMENT OF REGENTS***By the Speaker.**February 21, 1860—House.*

The Speaker (Mr. WILLIAM PENNINGTON) reappointed as Regents William H. English of Indiana, Benjamin Stanton of Ohio, and Lucius J. Gartrell of Georgia.

**APPOINTMENT OF REGENTS***By Joint Resolution.**January 12, 1861—Senate.*

Mr. J. A. PEARCE offered a resolution that the vacancies in the Board of Regents of the Smithsonian Institution be filled by the appointment of George M. Dallas, William B. Astor, and Cornelius C. Felton.

Mr. JOHN P. HALE objected and resolution laid on the table.

*February 22, 1861—Senate.*

Mr. LYMAN TRUMBULL introduced a resolution:

That the vacancies in the Board of Regents of the Smithsonian Institution of the class "other than members of Congress," be filled by the appointment of William L. Dayton, of New Jersey, in place of Richard Rush, deceased; William B. Astor, of New York, in place of Gideon Hawley, whose term has expired; and that Cornelius C. Felton, of Massachusetts, whose term has expired, be reappointed.

Passed.

*March 2, 1861—House.*

The Senate resolution, of February 22, passed.

H. Doc. 732—39

*March 2, 1861.*

*Resolved, etc.,* That the vacancies in the Board of Regents of the Smithsonian Institution of the class "other than members of Congress," be filled by the appointment of William L. Dayton, of New Jersey, in place of Richard Rush, deceased; William B. Astor, of New York, in place of Gideon Hawley, whose term has expired; and that Cornelius C. Felton, of Massachusetts, whose term has expired, be reappointed.

(Stat., XII, 251.)

#### REPORT OF THE SMITHSONIAN INSTITUTION.

*June 11, 1860—Senate.*

Report of the Smithsonian Institution, for 1859, presented.

On motion by Mr. J. A. PEARCE, it was—

*Resolved,* That 10,000 additional copies of the report of the Regents of the Smithsonian Institution for the year 1859 be printed; 5,000 for the use of the Senate and 5,000 for the use of the Institution: *Provided,* That the aggregate number of pages contained in said report shall not exceed 450 pages, without woodcuts or plates, except those furnished by the Institution.

*June 11, 1860—House.*

Annual report of the Smithsonian Institution for 1859 presented.

Mr. BENJAMIN STANTON moved that 5,000 extra copies of the report be printed.

*June 12, 1860—House.*

Resolution adopted:

That there be printed 5,000 extra copies of the Report of the Smithsonian Institution for the year 1859; 3,000 for the use of the members of the House and 2,000 for the use of the said Institution.

*February 26, 1861—Senate.*

Resolution passed to print extra copies of the Report of the Smithsonian Institution for the year 1860.

*February 27, 1861—House.*

Report of the Smithsonian Institution for 1860 presented and ordered to be printed.

*February 28, 1861—House.*

Resolution passed:

That there be printed 5,000 extra copies of the Report of the Smithsonian Institution for the year 1860; 3,000 for the use of the members of the House and 2,000 for the use of the said Institution.

#### FREE USE OF TELEGRAPH BY SMITHSONIAN INSTITUTION.

*June 16, 1860.*

Act to facilitate communication between the Atlantic and Pacific States by electric telegraph.

*Be it enacted, etc.,* That the Secretary of the Treasury, under the direction of the President of the United States, is hereby authorized

and directed to advertise for sealed proposals, to be received for sixty days after the passage of this act, (and the fulfilment of which shall be guaranteed by responsible parties, as in the case of bids for mail contracts), for the use by the government of a line or lines of magnetic telegraph, to be constructed within two years from the 31st day of July, 1860, from some point or points on the west line of the State of Missouri, by any route or routes which the said contractors may select, (connecting at such point or points by telegraph with the cities of Washington, New Orleans, New York, Charleston, Philadelphia, Boston, and other cities in the Atlantic, Southern, and Western States), to the city of San Francisco, in the State of California, for a period of ten years.

SEC. 3. \* \* \* *Provided*, That the use of the line be given, at any time, free of cost, to the Coast Survey, the Smithsonian Institution, and the National Observatory, for scientific purposes.

(Stat., XII, 41.)

#### CARE OF GOVERNMENT COLLECTIONS.

*June 25, 1860.*

Sundry civil act for 1861.

For preservation of the collections of the exploring and surveying expeditions of the government, \$4,000.

(Stat., XII, 109.)

*February 21, 1861.—Senate.*

House bill making appropriations for sundry civil expenses of the Government for the year ending June 30, 1862, was taken up.

The next amendment was to strike out the following words:

For the preservation of the collections of the exploring and surveying expeditions of the Government, and the construction of suitable cases to receive said collections, \$6,000.

And to insert in lieu thereof:

For the distribution of the collections of the exploring and surveying expeditions of the Government, and the construction of additional cases to receive such part of said collections as may be retained by the Government, \$6,000.

The PRESIDING OFFICER put the question; and declared the noes appeared to have it.

Mr. W. P. FESSENDEN. Senators certainly do not understand the amendment they are voting against.

Mr. JOHN P. HALE. I confess I do not. Let us have it explained.

Mr. FESSENDEN. I will give an explanation. This sum is necessary to be appropriated for the distribution of the collections of the exploring expeditions. They brought back with them a great deal of matter which has been arranged for distribution among the several States.

Mr. THOMAS BRAGG. I hope the Senator will speak louder; he can not be heard.

Mr. FESSENDEN. I say there were a great many duplicates of the collections which are proposed to be distributed among the several States, and this sum is necessary in order to have them arranged and distributed.

Mr. J. W. GRIMES. How many such appropriations have been made for distribution heretofore?

Mr. FESSENDEN. This is the first appropriation of the sort:

For the distribution of the collections of the exploring and surveying expeditions of the Government, and the construction of additional cases to receive such part of said collections as may be retained by the Government, \$6,000.

There are two things provided for in this amendment. Both are necessary. The sum is a very reasonable one. The Committee on Finance examined this matter, and came to the conclusion that it was proper to make this appropriation. The only alteration we have made is to put it in a better shape than it was before. The chairman of the committee thought the lines proposed to be stricken out were indefinite.

Mr. GRIMES. I understand this is the first appropriation ever made for distribution?

Mr. FESSENDEN. Yes, sir.

Mr. J. A. PEARCE. Mr. President, these collections are made by all the expeditions sent out by the Government. A great many of them are sent overland to the Northwest. All of them bring home collections of natural history. They are all sent to the Smithsonian Institution, where they are arranged and classified. We have no means for keeping these specimens there; and it is very desirable that the duplicates should be given to the colleges and scientific institutions throughout the country. This appropriation is not a large one. These specimens have been collecting for a number of years; and the object now is to distribute them to places where they would be valuable; that is all.

Mr. GRIMES. Under what law, to what institutions, and in what manner are they distributed?

Mr. PEARCE. There is no law that I am aware of for the distribution; but it has been proposed by the Secretary of the Interior that these objects should be thus distributed. They will be distributed by the Smithsonian Institution, in whose care they are placed.

Mr. GRIMES. According to the discretion of the superintendent of that institution?

Mr. PEARCE. Yes, sir; with the approbation of the Interior Department, of course, which is required for all things of this sort.

Mr. HALE. Then, I think, Congress should not appropriate the money. I think they ought to be distributed by law, as books and

manuscripts are, and should not be given to the discretion of this Department.

Mr. FESSENDEN. Why not add the words: "in the discretion of the Secretary of the Interior?"

Mr. HALE. There does not seem to be any necessity for the provision at all.

The Presiding Officer (Mr. TRUSTEN POLK). If no amendment be offered the question will be on the amendment reported from the Committee on Finance.

Mr. FESSENDEN. I suppose the amendment may be amended.

The PRESIDING OFFICER. Certainly; but, as the Chair stated, no amendment being offered to it, the question is on the amendment as reported by the committee.

Mr. R. M. T. HUNTER. It seems to me that before we adopt this amendment its friends ought to put some limitation on it by which hereafter the Smithsonian Institution is not to receive these things, for I am afraid it will be the beginning of a system of annual distribution like those Patent Office seeds, and may lead us into a large annual expenditure unless there is some limitation. I would be willing to distribute them once if you would put a stop to it there, and there ought to be something done to prevent the receipt of these things hereafter

Mr. PEARCE. The Smithsonian Institution has not the slightest interest in this thing whatsoever, but the Government has for years—having no other place to put them—sent all these collections to the Smithsonian Institution, which building, large as it is, is very much lumbered up by them. If you keep them there they will be compelled to turn other collections away. There is no room to receive any more. They are enormous in bulk and very numerous. It is desirable to get rid of them, and we can not make a better disposition of them than to send them to colleges and scientific institutions which have already collections of this sort, though imperfect. It is a very remarkable collection of objects in natural history. There is no desire on the part of the Institution to obtain the distribution of this collection. It is a gratuitous thing on their part altogether. This is not for their advantage at all, except so far as it will relieve the building of the incumbrance of such an immense collection, and yet it can never be done except by authority of law. This is the first occasion on which it has been asked.

Mr. HUNTER. I have no idea that this is to the advantage of the Smithsonian Institution. I believe the object of the amendment is a good one; but why not allow them to give these things to those that may apply? Why appropriate money for the purpose of distributing them? Why not allow them to give them to those who may apply, according to their judgment? That would throw the expense upon

those who received them. But if we once begin with this appropriation I am afraid we shall go on distributing these collections just as we do the seeds at the Patent Office.

Mr. J. A. PEARCE. A large part of this appropriation is intended for the construction of cases to receive such portions of the collections as may be retained by the Government. The expense of their distribution will be very small, indeed. We do not mean to pay the expenses of their distribution. They will be paid by the institutions to whom they go.

Mr. W. P. FESSENDEN. Of course this is only an amendment to the preceding one. Was the other amendment struck out?

Mr. PEARCE. Yes, sir; I think so.

Mr. FESSENDEN. I will inquire whether the amendment proposed in the two hundred and twentieth line, to strike out the words "and distribution" after the word "preservation" has been acted on?

The PRESIDING OFFICER. The Chair is informed by the Secretary that that amendment has not been acted on, and will now put the question on the amendment to strike out, in line 220, after the word "preservation," the words "and distribution;" so that the clause will read:

For preservation of the collections of the exploring and surveying expeditions of the Government, \$4,000.

Mr. J. W. GRIMES. I apprehend there is not a college or museum in the land but would be willing and anxious to have the opportunity to come here to the Smithsonian Institution and take its proportion of these fossils or specimens——

The PRESIDING OFFICER. Will the Senator from Iowa allow the Chair to state that the amendment which has just been read precedes the one under consideration, and the Senate should pass on that first; and then the subject of remark to which the Senator from Iowa is directing his attention would be appropriate.

Mr. HUNTER. The proposition is to strike out one, and insert; so that now is the time to speak upon it.

Mr. FESSENDEN. Not at all.

The PRESIDING OFFICER. No, sir; this precedes the other. The question is on the adoption of the amendment last read.

Mr. HUNTER. Is that an amendment on which we can come at this question?

The PRESIDING OFFICER. No, sir; it is the amendment that precedes it.

Mr. GRIMES. It is the amendment in line 220, I understand.

The PRESIDING OFFICER. The Secretary will report the amendment.

The Secretary again read it. On page 10, line 220, to strike out the words "and distribution;" so that the clause will read:

*Exploring expedition.*—For preservation of the collections of the exploring and surveying expeditions of the Government, \$4,000.

Mr. PEARCE. These words were improperly put in. That appropriation is the one which we make annually. These collections were all in the Patent Office, and as the Department of the Interior wanted the Patent Office for other purposes, provision was made by law for transferring these collections to the Smithsonian Institution, the Government paying the expense. The annual expense is about \$4,000. By a mistake the word "distribution" was put in the bill as it came from the House of Representatives. This money is wanted for the preservation of the collections and not for their distribution; and therefore we move to strike out the words "and distribution."

The motion to strike out was agreed to.

The Secretary read the next amendment of the Committee on Finance, which was to strike out lines 223 to 226, inclusive, in the following words:

For the preservation of the collections of the exploring and surveying expeditions of the Government, and the construction of suitable cases to receive said collections, \$6,000.

Mr. GRIMES. Mr. President—

Mr. FESSENDEN. Striking out these words will accomplish the Senator's purpose.

Mr. GRIMES. I do not know that. The bill, as it came from the House of Representatives, furnished an appropriation for the preservation of these things. That I am willing shall be done; but I am unwilling that a distribution shall be made by which these articles are to be distributed over the country without Congress specifying the manner in which they shall be distributed. I want to know how they are to be distributed. I am content that they should be distributed; and I think, if there is an excess of them here, they should be distributed in some way, either by allowing persons and institutions in different portions of the country to come here and obtain them, or else, if you see fit to do so, allowing the Superintendent of the Institution to distribute them; but he should not be permitted to distribute them on any principle of favoritism, as I fear may be the case unless you provide in the law specifically in what manner they shall be distributed. For instance, we might say that one institution in each State, or two institutions in each State, should be furnished with these specimens, or that they should be distributed to certain specified institutions; but I am unwilling to leave the matter entirely to the discretion of the Secretary of the Interior or the Superintendent of the Smithsonian Institution.

Mr. FESSENDEN. My friend from Iowa is a little too fast. If he will look at this amendment he will find that it is merely to strike out the words in lines 223, 224, 225, and 226, for which other words are to be substituted. If these words be stricken out, and the others be not substituted, he accomplishes his object. The question he is debating

is really the substitution, which is simply to put in this clause in a more definite form. There can be no objection to striking out these words.

Mr. HUNTER. The Senator from Iowa will accomplish his present purpose if we should refuse to strike out, and leave the clause as it stands. The difference between the two is, that the amendment proposes to distribute as well as to preserve these collections, and the words proposed to be stricken out merely provide for the preservation.

Mr. FESSENDEN. The provision above, which has been already adopted, makes all the appropriation necessary to preserve the collections. Then we come to the clause which provides for the distribution, and that it is proposed to strike out and to insert a re-draft of the provision in another form. The first paragraph applies to the preservation.

Mr. HUNTER. Then the plan would be to vote for striking out and to vote against inserting what it is proposed to insert.

Mr. FESSENDEN. There is no objection to appropriating the \$4,000 for the preservation. That is done. That is necessary. Then comes for the preservation again. That is a mistake; and therefore the clause was redrafted by the committee so as to provide for the distribution. We do not want to provide once more for preserving the collections that are to be kept there, and therefore these words ought to be stricken out.

Mr. HUNTER. I say strike out these words; and then, if you oppose the distribution, vote against the amendment which proposes to insert the other words.

Mr. FESSENDEN. That is precisely what I am proposing to the Senator from Iowa; to let these words be stricken out, and then bring up the question in that way.

Mr. J. A. PEARCE. I should like to say to the Senator from Iowa that there are collections enough to supply every college and every scientific institution interested in such matters in the country, and our intention is to supply the whole of them; there can not be any favoritism; but we must make some small appropriation for it, although we do not propose to pay the transportation. It would not do, for example, to let the president of a college come here and select just what he would pick and carry away. That would produce the very effect which the Senator is so desirous of avoiding. One institution would get too much, perhaps. Somebody must be employed not only to arrange these objects of natural history and classify them, but also to put aside into separate parcels the portions which are to be distributed to the different institutions. For that we are to pay. The Senator can guard against the Government paying the expenses of transportation, if he pleases, by making an amendment to it in this form: "Provided that no part of the said money shall be expended in

transportation." As to favoritism, I say it is not possible, because there is an abundance of these collections to answer the calls of every institution in the country.

Mr. THOMAS BRAGG. I think the difficulty may be obviated by an amendment which I have prepared, though I suppose my amendment will not be in order at this time, as I understand there is an amendment pending to the amendment.

The PRESIDING OFFICER. The question now is on striking out.

Mr. FESSENDEN. On striking out what nobody objects to striking out.

Mr. BRAGG. This, I think, will accord with the idea of the Senator from Maryland, to follow the amendment offered by the committee:

Such distribution to be only to institutions willing to receive the same, and at their own expense.

The PRESIDING OFFICER. The question is on striking out.

Mr. J. P. HALE. Is it in order to move to strike out more words with those which the committee propose to strike out?

The PRESIDING OFFICER. Perhaps it would be in order as an amendment to the amendment; but the Chair would suggest to the Senator that it would be better to take the question on striking out the words which the committee proposes to strike out.

Mr. HALE. I agree to that.

The PRESIDING OFFICER. The question is on striking out the words which have been read.

The motion to strike out was agreed to.

The PRESIDING OFFICER. The question now is on the amendment of the Committee on Finance, to insert the following words:

For the distribution of the collections of the exploring and surveying expeditions of the Government, and the construction of additional cases to receive such part of said collections as may be retained by the Government, \$6,000.

The Senator from North Carolina moves to amend the amendment by adding to it:

Such distribution to be only to institutions willing to receive the same, and at their own expense.

The question is on the amendment to the amendment.

Mr. HALE. I am opposed to the whole of this, from beginning to end. I have been in Congress I do not know how many years; but about as long as the Smithsonian Institution has been in existence. I have devoted some time every year, more or less, to finding out what on earth that Smithsonian Institution was for; I have had friends who have visited Washington, who have told me that they were going to examine it to find out; and I have asked them repeatedly, if any of them had found it out, to tell me. The New York Tribune—I do not often quote from that paper, for it is never very complimentary to

me, any more than it is to the Smithsonian Institution—said that it was a sort of lying-in hospital for literary valetudinarians. But, sir, it has a fund, I believe, of \$500,000—

Mr. J. W. GRIMES. Six hundred thousand dollars.

Mr. HALE. Six hundred thousand dollars, making an income, then, of \$36,000 a year “for the increase and diffusion of knowledge among men,” I believe. So far as I am concerned in the lot of humanity, they have never distributed knowledge enough to me to let me know what the thing is for or what it does. In addition to the \$36,000 which it has of its annual income from its funds, you propose now to appropriate \$10,000 more for preserving the collections of the exploring and surveying expeditions of the Government, and for the distribution of the collections of the exploring expeditions, and the construction of additional cases to receive such collections as may be retained by the Government. We are to appropriate \$10,000 to this Institution, to keep and distribute these collections, in addition to their annual income of \$36,000. I am opposed to the whole of it. I think it is wrong. I think the Institution itself is wrong, and based upon one of the grossest misconceptions of plain English that any institution ever was.

Old Mr. Smithson—if the Senate do not want to hear me I will stop; I know it is not a very good time to speak [“Go on!”]—old Mr. Smithson I suppose was a man of scientific attainments—no doubt of that—a friend of science; a lover of science. He had seen the colleges and the universities of England hitched on to the church and the state. The yoking together of these three he thought was not favorable to the advancement of science in the world. Then, sir, he had in his brain the sublime conception of founding a democratic university; one that should be free from the corruptions of the church and state, as they existed in England. Looking abroad over the face of the earth to see a place where this great and benevolent idea might be carried out, he selected the United States as a place where democratic institutions prevailed, and he gave this liberal fund that he might found an institution under the benign influence of democratic institutions, that should be devoted to the increase and diffusion of knowledge among men, instead of having it harnessed to church and state. Well, sir, our Government undertook the trust, and a grosser abuse of a trust never was perpetrated on the earth. Some of the wisest men we had at that day thought there was too vague a meaning in that phraseology which said that it was to be for the increase and diffusion of knowledge among men. They forgot that men were made of boys, and they thought that if they devoted it, as poor old Smithson intended it should be, for the education of boys, under the influence of such an institution as he designed, it would not answer his purpose, because he intended it for the increase and diffusion of knowledge “among

men;" and so they have got up the thing they have. I will not characterize it, for I confess I do not know what it is. I saw an advertisement in the National Intelligencer that there was to be an exhibition there at 25 cents a ticket, or perhaps 50 cents. That is for the "increase and diffusion of knowledge among men." In addition to perverting Mr. Smithsonian's benevolent and sagacious purposes, defeating one of the greatest ideas that ever entered into the head of a benevolent scholar—instead of making such an institution as he wanted, you have founded the great humbug of the land; and you propose now, in addition to the \$36,000, to pay them \$10,000 out of the public Treasury. I propose to strike it all out. Now, I am prepared to be castigated by the Senator from Maryland [Mr. Pearce] just as much as he pleases.

Mr. J. C. TEN EYCK. Rather than have this discussion continued on the merits of the Smithsonian Institution, I move that the Senate do now adjourn. ["Oh, no!"]

Mr. FESSENDEN. We shall have it to-morrow instead of to-day.

Mr. H. M. RICE. The understanding was that we should sit here until 5 o'clock, and then take a recess until 7 o'clock.

Mr. L. F. S. FOSTER. I would suggest that the motion can not be entertained. Under the order of the Senate last night the Senate to-day was to take a recess from 5 o'clock to 7, and an adjournment now would override the order of the Senate yesterday, and would be an adjournment until to-morrow. Therefore, such a motion, I think, can not be entertained.

Mr. TEN EYCK. I withdraw the motion.

Mr. J. A. PEARCE. Mr. President—

Mr. WILLIAM BIGLER. There is no difficulty in taking a recess now.

The PRESIDING OFFICER. The Senator from Maryland is entitled to the floor.

Mr. PEARCE. I shall not consume much of the time of the Senate by replying to the attack which the Senator from New Hampshire has made on the Smithsonian Institution. Some years ago the plan of that Institution was the subject of deliberate investigation by a committee of the Senate. It was discussed here in this body. It was referred to the Committee on the Judiciary, and the Committee on the Judiciary approved the plan of the Institution for the increase and diffusion of knowledge among men. The Senator from New Hampshire has not given us any great reason to respect his authority on this subject, because he started out with a confession that he knew nothing about it; and, confessing so much, I take it that the Senate will take him at his word and estimate the value of his remarks at just what he himself admits them to be worth. It is enough, sir, that the men who composed the first Board of Regents, of which I was not one, were among the best men in the country, and that they established this Insti-

tution upon the plan by which it is now known and which has received the deliberate assent of the Committee of the Judiciary of the Senate and of the Senate itself. How the Senator gets at his theory of Smithson's intentions I do not know. If he has ever read Smithson's will, he will not find one word of all that he has said in it; and we, who do know something about the history of Smithson, know the peculiar reasons which induced him to give this legacy to the United States.

But, sir, the Senator has remarked about an exhibition given at the Institution a few days since. I wish to explain that. It might be supposed by members of the Senate that this 25 cents a head was a fee to the Institution. No such thing. The Smithsonian Institution has a remarkably fine lecture room, and it is very often applied for by individuals who wish to lecture there. In no case is it given to an individual who charges. The only case in which anyone is allowed to charge is where the object is charitable or religious. Church congregations have sometimes applied for it when a lecture was to be delivered, and they have been allowed in that case to use the hall, and they themselves charge 25 cents for each hearer of the lecture—making a fund for the building of their church or for the charitable object which is to be subserved, whatever it may be. These are the only cases where a charge is made. The lectures of the Smithsonian Institution are always free; and I believe they are a little more valuable than most lectures in the country for which people pay very willingly.

Now, so far as the Government giving \$10,000 a year to this Institution is concerned, it is an entire mistake. The Smithsonian Institution accommodated and obliged the Government by admitting within their walls these collections for which the Government had no proper place, the Government only paying the expense of their preservation; that is all. The Smithsonian Institution does not derive any value to its funds from these appropriations by the Government. So in regard to the distribution of these enormous collections, the Institution is not benefited a fraction. All we want is a little appropriation to defray the expense which the Institution must incur in classifying and separating these specimens of natural history for distribution. I do not object to the amendment of the Senator from North Carolina, and I purposely refrain from much that I might say, that I may not consume the time of the Senate.

MR. SIMON CAMERON. I am one of those who were here at the time of the reception by this Government of the Smithsonian legacy, and one of those who voted to receive that donation from a philanthropic man in England, who died and left us his money. I recollect very well that the arguments of those who were opposed to receiving it were that it would be a constant tax on us; that the giving to us of those \$500,000 would result in the expenditure of millions; and all the

friends of the Institution, amongst them myself, said, "No; we will take this \$500,000 and get the best we can out of it." From that time to now I have always opposed any appropriation for it. If the Institution can not sustain itself, let it fall. I believe it is doing good. I do not want to make it one of those things that shall constantly eat into the vitals of this Government. This is a Government here by itself, controlling itself, and controlling many other things around it. My feelings to it are nothing but kind; but I think it ought to sustain itself, and I shall vote against every appropriation for it. I rise, however, only to say a word in regard to a remark made by the Senator from Maryland, who is almost always right. He spoke of the ignorance of the Senator from New Hampshire on this subject. I simply want to say to the Senator from Maryland that the best book we have ever had says that whenever we have learned our own ignorance we are nearest wisdom.

Mr. W. P. FESSENDEN. I wish to correct an error into which my friend from Pennsylvania has fallen; and I think my friend from New Hampshire also is troubled with the same difficulty. This is not anything paid to the Smithsonian Institution. It is not in aid of their fund. It has nothing to do with anything connected with that Institution in any shape or form. They do not call upon us for anything connected properly with the Institution, to render them any aid in any shape. The simple matter is this: We have a large collection of this material, coming from several exploring expeditions. It was all placed at the Patent Office, or under the charge of the Secretary of the Interior. There was nobody to take care of it; there was nobody to arrange it; nobody to do anything with regard to it; it was turning out to be utterly useless, of no good to the Government; and we imposed the burden on the Smithsonian Institution. We decreed that it should be sent there and should be examined there.

Mr. J. M. MASON. Against their will.

Mr. FESSENDEN. And against their will. They did not ask it. It was a burden we imposed upon them; and having sent it there, we have made an appropriation, heretofore, merely of enough to preserve what was necessary to be preserved, and to pay the salary of a person who was to take charge of it, fix the room and take care of it—\$4,000, I think, each year; and it was found, on a careful examination (I was on the committee when it was first made), to be a reasonable provision.

Now, sir, there is a very large number of these duplicates, and it is proposed that those also shall be arranged by these persons; and after they are arranged, and it is found distinctly what is best to keep, the rest shall be distributed among the institutions of the country. It is not for the benefit of the Smithsonian Institution, but for the benefit of the institutions of the country. We called on them to do the work; and gentlemen get up here and argue that we should compel them to

do the work and not pay them for the labor, and compel them also to pay their own expenses. It is simply providing a mode by which we may carry out our own objects and our own purposes through their agency. The labor that they have given to this work and the services they render are altogether gratuitous; and certainly they ought not to be abused for doing what we asked them to do with reference to matters which we have placed under their control, without their requesting us to do it. That is the simple fact about this matter. It has nothing to do with the Institution.

Now, sir, as to the Smithsonian Institution itself, what it has done for science, and what it is doing for science. I have no doubt that it is doing much; how much, I do not know. I confess the same ignorance that has been confessed by my friend from New Hampshire, with the addition that I feel ashamed I do not know more about it. I ought to know more about it. I have only to leave my other avocations, which prevent me from knowing what I want to know. It is my own fault.

Mr. S. A. DOUGLAS. I desire to add but a word to what has been so well said by the Senator from Maine. This burden was imposed upon the Smithsonian Institution, not only without their request, but against their wish. These objects were collected by the exploring expeditions and deposited in the Patent Office. They were kept there and preserved as objects of great curiosity and great interest, until they occupied so large a space that the Government could not afford the room. They needed the room, and had no place to put them in. The Smithsonian Institution happened to have vacant space; but these collections were not connected with the objects of that Institution. The Institution was willing to give them the room free of rent. They were willing to take charge of the collection, if the annual expenses of the burden thus imposed were borne by the Government. It was accepted as a great favor by the Government. I do think, if they are worthy of our encouragement, we ought to pay the actual expenses, no more, of taking charge of these objects of curiosity. Probably there is no object of greater curiosity to the visitor and the stranger who comes to Washington than this museum thus collected; and inasmuch as they would be an attraction to the Institution, they were willing to accept them; but the objects themselves belonged to the Government. The Smithsonian Institution is giving the Government a place in which to keep them. I think, therefore, that we are bound by every consideration of public policy and duty to make this appropriation. I will not occupy time, for I believe it will be voted almost unanimously.

Mr. CAMERON. I must say a word in reply to what has been said by the Senator from Maine and the Senator from Illinois. I do not believe that they have studied this subject so well as they usually study ques-

tions. It occurs to my mind that all this labor which we have imposed upon the Smithsonian Institution they have invited. I remember when this exploring expedition came in it was said specimens were brought home that would be valueless to the country unless we put them in the Patent Office. After awhile somebody came and asked that they should be given to the Smithsonian Institution, because, it was said, it would be an attraction to that building, take people there, make it a credit to the country; and we voted for it. After awhile they asked us to give them a certain number of books which scientific persons had written and we had paid for the printing of. The rule used to be that all those books were sent to Congress and distributed by members of Congress; but gentlemen here said we ought not to distribute them; we should give them to the Department of the Interior. Then we gave them to the Patent Office; and then to the Smithsonian Institution; and now these gentlemen ask us to pay them for distributing those very things which they invited us to give them.

Mr. PEARCE. I will ask the Senator to specify what scientific books the Institution has ever asked us to give them?

Mr. CAMERON. When I think the gentleman has a right to ask a question, I will answer it. I will say to the gentleman now that I want this Institution to sustain itself. There is no reason why we should appropriate money from year to year to keep up that, a bit more than that you should build up a scientific institution in the village where I live. What right has that Institution to come here, and what right have we to expend money to keep up an Institution for the benefit only of those who live by it? The Government has no interest in it. The gentlemen who get their salaries, and who live on the money which old Smithson gave us, have an interest in it, but we have none. I shall vote against it, if nobody else does.

Mr. DOUGLAS. I think it is unfair for my friend from Maryland to be putting questions to my friend from Pennsylvania, for he is evidently joking in what he says. He is not serious when he talks about the request of the Institution made to Congress for this appropriation and that appropriation. It is contrary to the known history of the Institution, and to the known history of the country. It is a very good joke on the part of the Senator from Pennsylvania; but I really think the Senate are not going to vote down this amendment on the strength of that joke.

Mr. CAMERON. I will merely say, if the gentlemen of that Institution do not want to have the charge of these things, let them give them up. What do we care about stuffed snakes, alligators, and all such things?

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from North Carolina to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now recurs on the amendment as amended.

Mr. PRESTON KING. What is the amendment as amended?

The PRESIDING OFFICER. The Secretary will read it.

The Secretary read it, as follows:

For the distribution of the collections of the exploring and surveying expeditions of the Government, and the construction of additional cases to receive such part of said collections as may be retained by the Government, \$6,000; such distribution to be made to institutions willing to receive the same at their own expense.

Mr. FESSENDEN. That refers merely to the transportation.

Mr. J. W. GRIMES. What is the appropriation of \$6,000 for?

Mr. FESSENDEN. For putting them in order and arranging them.

Mr. CAMERON. I move to strike out the appropriation. I have no doubt if these things are of any use scientific people will be glad to get them, and I am willing to let them have them, if they will take them.

Mr. H. M. RICE. The question strikes me in two different aspects, a personal and an official one. If we have a right to make an appropriation for distributing stuffed snakes and the various other things that may be collected and brought here, why have we not a right to make an appropriation for distributing the models in the Patent Office, or distributing hoes, plows, and other implements? This has all grown out of an infraction, in my opinion, of the Constitution by distributing seeds. We must stop somewhere. If you can do this under the Constitution, what can you not do? I know that the Smithsonian Institution has done great good for the country. I am applied to daily for books published by it, and I know that they are valuable; but it is not, under the Constitution, a Government institution. Let us stop somewhere, and I think we might as well stop here as anywhere.

Mr. J. P. HALE. I think so, too. I should like the country to know how much we have spent for printing pictures of bugs, reptiles, etc., that these exploring expeditions have brought here. We published eleven or twelve volumes of the exploring expedition, illustrated with pictures of bugs, snakes, and reptiles. It has cost us millions of dollars to print those pictures, and now we are going to spend \$10,000 to distribute them after spending millions to print pictures of them. The thing is all wrong, sir.

Mr. MASON. Mr. President, I have been for many years one of the Regents of this Institution, under the appointment of the Senate, in connection with my friend from Maryland. We know that it is a public trust; one, we think, of a sacred character. We know as a fact, and it appears in the records of that Institution, that these specimens of natural history, sent from the Patent Office to the Smithsonian Institution, were sent there against the remonstrances, repeated

from year to year, of that Institution; and if either the Senator from Pennsylvania or the Senator from New Hampshire, or any gentleman who thinks with them, would introduce an amendment to this bill directing the Institution to throw what they had received from the Government out of doors—just put it out of doors and let it rot—I will vote for it. It belongs to the Government. It does not belong to the Institution. It has no business there within the terms of the trust; none whatever. It was forced upon them against their will; as they believe, in violation of the trust left to us by Smithson; and if those gentlemen will devise any mode to take away all these specimens of natural history sent there by the Government I will vote for it cheerfully. I do not know that I would not consider it incumbent upon me, for the purpose of getting rid of them, if the Government will not bear the expense of throwing them out of doors, to vote it out of the funds of the Institution.

Mr. CAMERON. I will take the Senator from Virginia at his word, as far as I am concerned, and say let them throw them out of doors. They are good for nothing there, and they are good for nothing out of doors. Suppose these gentlemen were to come here now asking us to appropriate \$6,000 or \$10,000 to distribute through this country specimens of the finest arts the world has ever produced, which they could purchase for that sum of money in Europe, would not everybody vote against it? There is not a man here who would not vote against a proposition to bring the finest statuary and the finest paintings——

Mr. MASON. Will the Senator allow me to interrupt him a moment?

Mr. CAMERON. Certainly.

Mr. MASON. The Senator says he will do it?

Mr. CAMERON. As far as I am concerned.

Mr. MASON. The law now directs that these objects shall be sent to the Smithsonian Institution. Let the Senator, on his responsibility, propose to repeal that law, and I will vote for it.

Mr. CAMERON. I will do that most cheerfully.

Mr. MASON. Well, do it now.

Mr. CAMERON. Sufficient for the day is the evil thereof. I will bring in a bill to-morrow, if Senators think it proper; but we are discussing this question now. Here is an appropriation of \$6,000 for a most worthless purpose; and what right have we to appropriate it? When we are all talking about the distresses of the country; when we do not know how much country we shall have in a few days; when the Treasury is empty—not a dollar to pay even members of Congress, to pay laborers out of doors—we are to appropriate \$6,000 or \$10,000 to preserve a parcel of what you call scientific specimens. A Senator over the way said they were toads and snakes, and I have no doubt they are that sort of thing. They are no use to anybody now; they have served their day.

I am tired of all this thing called science here. It was only the other day we made another appropriation in regard to the expedition which Captain Wilkes took out to the Pacific Ocean. We have paid \$1,000 a volume for the book which he published. Who has ever seen that book outside of this Senate, and how many copies are there of it in this country? We have spent millions in that sort of thing for the last few years, and it is time it should be stopped. Now, the only way—and I say it in all sincerity—in which I think this Smithsonian Institution can be useful to the country is by living within its means; that it shall not ask any aid of the Government at all; that it shall not rely on patronage, but on the good it does and the benefit it confers, to sustain it. The country at large and the people of this country will take care of it if it is worthy to be taken care of, but if they come to the legislature every year asking for an appropriation it must sink. As a friend of that Institution, and as a friend of the very distinguished and able and pure man who is at the head of it, I do not want it to be connected with the Government at all.

The PRESIDING OFFICER. The Chair understands the Senator from Pennsylvania to move to strike out the appropriation contained in the amendment?

Mr. CAMERON. Yes, sir.

The PRESIDING OFFICER. The question, then, will be on the amendment to the amendment to strike out the appropriation.

Mr. CAMERON and Mr. HALE. Let us have the yeas and nays on that.

Mr. K. S. BINGHAM. Why can not we take a vote direct on the amendment?

Mr. CAMERON. I have no objection to that. I withdraw the call.

Mr. HALE. I hope we shall have the yeas and nays on the amendment of the committee.

The PRESIDING OFFICER. Does the Senator from Pennsylvania withdraw his amendment?

Mr. CAMERON. Yes, sir.

The PRESIDING OFFICER. The question, then, will be on the amendment of the committee as amended on motion of the Senator from North Carolina.

Mr. CAMERON. I desire to have the yeas and nays taken on that question.

The yeas and nays were ordered.

Mr. HALE. I simply want to call the attention of the Senate to the fact that we have stricken out of the amendment, on motion of the Senator from North Carolina, all the expenses incurred for distribution, and now you propose to give \$6,000 to make bug cases alone without any transportation.

Mr. FESSENDEN. I will suggest that it is now within four minutes of the time when we agreed to take a recess.

Mr. CAMERON. Let us take a vote.

The question being taken by yeas and nays on the amendment of the Committee on Finance, as amended, resulted—yeas 29, nays 6; as follows:

YEAS—Messrs. Anthony, Bigler, Bragg, Chandler, Clark, Dixon, Douglas, Durkee, Fessenden, Foot, Foster, Harlan, Hemphill, Johnson of Arkansas, Johnson of Tennessee, Lane, Latham, Mason, Nicholson, Pearce, Polk, Powell, Sebastian, Seward, Simmons, Sumner, Ten Eyck, Wade, and Wilson—29.

NAYS—Messrs. Cameron, Grimes, Hale, King, Rice, and Wilson—6.

So the amendment, as amended, was agreed to.

March 2, 1861.

Sundry civil act for 1862.

*Exploring expedition.*—For preservation of the collections of the exploring and surveying expeditions of the Government, \$4,000.

For the distribution of the collections of the exploring and surveying expeditions of the Government, and the construction of additional cases to receive such part of said collections as may be retained by the Government, \$6,000; such distribution to be only to institutions willing to receive the same, and at their own expense.

(Stat., XII, 217.)

#### EXPLORING EXPEDITION.

June 15, 1860.

*Resolved, etc.,* That two copies of the works of the exploring expedition, so far as they can be supplied from the copies ordered to be deposited in the Library of Congress for preservation, by the resolution of February 20, 1845, and the residue of said works as they shall be completed, be delivered to the Secretary of State, one copy of which to be presented by him to the Federal Republic of Switzerland, and the other to the Naval Academy at Annapolis, in the State of Maryland.

(Stat., XII, 116.)

February 21, 1861.

Legislative, executive, and judicial act for 1861.

SEC. 2. *And be it further enacted,* There is hereby further appropriated, in like manner, to pay arrears due authors and artists of the exploring expedition, in pursuance of the act of August 26, 1842, \$11,036.26.

(Stat., XII, 144.)

### THIRTY-SEVENTH CONGRESS, 1861-1863.

#### APPOINTMENT OF REGENTS

*By the Vice-President.*

December 4, 1861—Senate.

The CHAIR announced the appointment of W. P. Fessenden, of Maine, and Lyman Trumbull, of Illinois, as Regents.

*January 16, 1863—Senate.*

Mr. LYMAN TRUMBULL moved that the Vice-President (Mr. HANNIBAL HAMLIN) appoint a member to fill the vacancy in the Board of Regents occasioned by the death of James A. Pearce. Adopted.

The VICE-PRESIDENT appointed Garret Davis, of Kentucky, to fill the vacancy.

#### APPOINTMENT OF REGENTS

*By the Speaker.*

*December 19, 1861—House.*

The Speaker (Mr. GALUSHA A. GROW) appointed as Regents, Schuyler Colfax, of Indiana, Edward McPherson, of Pennsylvania, and Samuel S. Cox, of Ohio.

#### APPOINTMENT OF REGENTS

*By Joint Resolution.*

*March 3, 1862—Senate.*

Mr. JAMES DIXON asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. 56) for the appointment of a Regent of the Smithsonian Institution.

Mr. DIXON. Let the resolution be read at length.

*Resolved, etc.,* That the vacancy in the Board of Regents of the Smithsonian Institution of the class other than members of Congress, caused by the decease of Cornelius C. Felton, be filled by the appointment of Henry Barnard, of Connecticut.

Mr. DIXON. Mr. Barnard is so well known to the Senate, and to the whole country, for his devotion to the cause of public education, that I am in hopes the resolution may be passed, even without a reference. He has devoted his life to the very object specified in the will of Mr. Smithson, "the diffusion of knowledge among mankind," and therefore I am in hopes the Senate will consent to its immediate passage. If not, I shall not urge it, but move its reference.

The Vice-President (Mr. HANNIBAL HAMLIN). The Senator from Connecticut asks the unanimous consent of the Senate to consider ~~this~~ resolution at the present time.

Mr. W. P. FESSENDEN. I must object to that. Although the confession argues myself unknown, I must say that I never heard of Mr. Barnard before.

The VICE-PRESIDENT. Objection being made to the consideration of the resolution, it will be referred to the Committee on the Library.

Mr. DIXON. Mr. President—

The VICE-PRESIDENT. It is not subject to discussion.

Mr. DIXON. I should myself, on objection being offered, have made a motion to refer it to the Committee on the Library.

The VICE-PRESIDENT. It is referred.

Mr. DIXON. I feel that I ought to say one word, if the Senate will allow me, though not strictly in order, in reply to the remark of the Senator from Maine, that he had never heard of Mr. Barnard. It is unfortunate undoubtedly, and may seem to be a reflection on Mr. Barnard. He is known everywhere throughout the whole country and in Europe for his exertions in the cause of popular education. I would not have said a word but for that remark, which might imply some disrespect on the part of the Senator to Mr. Barnard, which I hope, however, was not the case.

Mr. FESSENDEN. I meant none in the world. I meant simply to say that it so happened, unfortunately for myself, that I never heard of Mr. Barnard, and I would rather the matter should be referred.

Mr. DIXON. I supposed it to be so, yet felt that I ought to say so much in justice to a gentleman so widely and favorably known.

*March 12, 1862—House.*

Mr. EDW. MCPHERSON introduced a resolution for the appointment of Theodore D. Woolsey, of Connecticut, as Regent, in place of C. C. Felton, deceased; referred to Committee on the Library.

*March 27, 1862—House.*

Mr. EDW. MCPHERSON asked unanimous consent to make a unanimous report from the Committee on the Library on resolution appointing T. D. Woolsey Regent.

Mr. E. B. WASHBURNE. I object.

Mr. WASHBURNE subsequently withdrew his objection, and it was renewed by Mr. S. S. Cox.

*March 28, 1862—House.*

Mr. EDW. MCPHERSON reported the resolution to appoint T. D. Woolsey as Regent; adopted.

*March 28, 1862—Senate.*

Mr. JACOB COLLAMER, from the Committee on the Library, reported unanimously in favor of the passage of the House resolution for the appointment of T. D. Woolsey Regent; adopted.

*April 1, 1862—Senate.*

Mr. JAMES DIXON. Yesterday, I think, during my absence from my seat, or when my attention was not directed to it, the Senator from Vermont [Mr. Collamer] called up a joint resolution appointing President Woolsey, of Yale College, a Regent of the Smithsonian Institution. I had previously offered a resolution for the appointment of Mr. Barnard, of Connecticut. Mr. Barnard has requested me to withdraw his name. I ought to have done it, and should have done it yesterday, in justice to him, if I had been present when that joint resolution was passed. I ask the consent of the Senate to allow the reading of a letter from Mr. Barnard, in which he requests that his name may be withdrawn and Mr. Woolsey be appointed.

The President pro tempore (Mr. SOLOMON FOOT). No objection being made, the letter will be read at the request of the Senator from Connecticut.

WASHINGTON, *March 27, 1862.*

MY DEAR SIR: I thank you for the kind manner in which you were pleased to present my name to the Senate in nomination for the post of Regent of the Smithsonian Institution. I see by the papers that the name of President Woolsey, of Yale College, has been presented to the House for the same vacancy. As an "older and better soldier" in the cause of good learning, Dr. Woolsey should receive that appointment by the vote of every friend of my nomination; and I beg, therefore, you will, in your own time and way, withdraw my name and give your vote and influence heartily for his appointment.

Very truly, yours,

HENRY BARNARD.

Hon. JAMES DIXON.

Mr. JACOB COLLAMER. I merely wish to say that the gentleman is mistaken in one idea. I know he was present when this resolution was called up. He was sitting in his seat.

Mr. DIXON. I presume I was, but my attention was not called to it.

Mr. COLLAMER. The Senator might not have heard it, but he was present.

Mr. DIXON. I was not aware of its being called up.

*April 2, 1862.*

*Be it resolved, etc.,* That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than members of Congress, caused by the decease of Cornelius C. Felton, be filled by the appointment of Theodore D. Woolsey, of Connecticut.

(Stat., XII, 617.)

*January 29, 1863—Senate.*

Mr. HENRY WILSON, of Massachusetts, offered a resolution expelling George E. Badger from the Board of Regents of the Smithsonian Institution and appointing Louis Agassiz in his place.

*February 2, 1863—Senate.*

The Vice-President (Mr. HANNIBAL HAMLIN) laid before the Senate a letter from Professor Henry, Secretary of the Smithsonian Institution, transmitting the following resolution, adopted by the Board of Regents; which was, on motion of Mr. Charles Sumner, referred to the Committee on the Library:

*Resolved,* That the Secretary be directed to inform the Congress of the United States that George E. Badger, one of the Regents of this Institution, has not attended the recent meetings of the Board, and they are advised that he is now in rebellion against the Government of the United States, and submit whether the name of said Badger should longer remain on the list of the Regents of the said Institution.

*February 6, 1863—Senate.*

Mr. HENRY WILSON, of Massachusetts. I move to take up the resolution I submitted some days ago, removing Mr. Badger from the Board of Regents of the Smithsonian Institution and appointing Pro-

fessor Agassiz in his place. I propose to refer it to the Committee on the Library, who have the subject under consideration in another form.

The motion was agreed to; and the joint resolution expelling George E. Badger from the Board of Regents of the Smithsonian Institution and appointing Louis Agassiz in his place was considered as in Committee of the Whole.

Several SENATORS. Why not pass it now?

Mr. WILSON, of Massachusetts. I should like to have it put on its passage now. I understand that the chairman of the Committee on the Library has no objection to the resolution being considered now without being referred to the committee.

The joint resolution was reported to the Senate.

Mr. JAMES A. McDUGALL. I move that the joint resolution be postponed until to-morrow.

Mr. WILLIAM A. RICHARDSON. I suggest to my friend from California and also to the Senator from Massachusetts that we had better confine ourselves now to the expulsion of Mr. Badger and leave the appointment to be made as the law requires. I do not know what the law is on the subject.

Mr. LYMAN TRUMBULL. The appointment is made by joint resolution. This is the usual form.

Mr. WILSON, of Massachusetts. I will simply say that Mr. Badger is now in the place, and I introduced this resolution to expel him and to appoint Professor Agassiz, certainly one of the foremost men of the age in any country. There is now no person upon the Board of Regents from my State; they are scattered elsewhere all about the country. Certainly we could not select in the whole nation any man better fitted for such a position than Professor Agassiz. I hope the resolution will be passed.

Mr. McDUGALL. I do not take any exception to Professor Agassiz, who, I think, would be a most competent man to fill this place, but I think the business should be disposed of with more care.

Mr. WILSON, of Massachusetts. This subject was brought before us a few days since by the gentlemen connected with the Smithsonian Institution, and facts are presented showing that Mr. Badger is now in the service of the so-called Confederate government.

Mr. McDUGALL. I think Professor Agassiz the most acceptable man that could be named. I do not object to it, except as to the way in which it is done.

Mr. WILSON, of Massachusetts. This is the proper way to do it.

Mr. McDUGALL. If that is so, I withdraw my objection.

The joint resolution was passed.

*February 19, 1863—House.*

The next bill taken from the Speaker's table was a joint resolution expelling George E. Badger from the Board of Regents of the Smith-

sonian Institution and appointing Louis Agassiz in his place; which was read a first and second time.

Mr. E. B. WASHBURN. I move to refer that bill to the Committee on the Library.

Mr. B. F. THOMAS, of Massachusetts. I desire to ask the gentleman who reported this resolution what information he has in regard to the course and conduct of Mr. Badger which requires this resolution of expulsion?

Mr. S. S. COX. This matter was initiated at a meeting of the Board of Regents of the Smithsonian Institution, at its last meeting. The statement was there made that Mr. Badger was a member of the North Carolina legislature; that he had made a speech denouncing this Government and favoring the Confederate government, and there was no one there who was authorized to deny that that reported speech was not authentic. I should be glad to relieve a gentleman of the high standing of Mr. Badger of any such imputation. He does not attend the meetings of the Regents of the Institution, and we need somebody there to fill his place. I should be happy to hear any statement in exculpation of that gentleman.

Mr. THOMAS, of Massachusetts. All I desire to say is, a letter attributed to him was afterwards stated to have been a forgery. I refer to a letter said to have been written to Governor Stanly.

Mr. EDW. MCPHERSON. There appears no doubt of the fact that Mr. Badger is at present a member of the legislature of North Carolina, and of course he has assumed a position inconsistent with holding an appointment under the United States Government.

Mr. J. J. CRITTENDEN. I wish to say that Mr. Badger is a very old friend of mine. I have understood that on the 4th of January last he was prostrated by a stroke of apoplexy. I heard he was *in extremis*, and I do not know whether he is dead or alive.

Mr. COX. I call the previous question upon the passage of the resolution.

The previous question was seconded, and the main question ordered to be put, and under the operation thereof the resolution was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. COX moved to reconsider the vote by which the resolution was passed, and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

*February 21, 1863.*

*Resolved, etc., That George E. Badger, a member of the Board of Regents of the Smithsonian Institution, who is now giving aid and comfort to the enemies of the Government, be, and is hereby, expelled from the said board, and that Louis Agassiz, of Cambridge, Massa-*

chusetts, he, and he is hereby, appointed a member of the said board to fill the vacancy occasioned by the expulsion of Mr. Badger.

(Stat., XII, 825.)

#### CARE OF GOVERNMENT COLLECTIONS.

*January 8, 1862—House.*

Mr. W. S. HOLMAN. I move to amend by striking out the following clause [from appropriation bill]:

For preservation of the collections of the exploring and surveying expeditions of the Government, \$4,000.

I understand this to be an appropriation for the Smithsonian Institution—nothing more and nothing less. It is an appropriation of \$4,000 for the purpose of assisting in keeping up the museum connected with that establishment. I find in the last report of the Secretary of the Smithsonian Institution a clause which I will ask to have read in order to indicate how this money is applied.

The extract was read by the Clerk. It states that the annual appropriation of \$4,000 made by Congress for keeping the collections of the exploring and surveying expeditions of the United States has been expended, under the direction of the Secretary of the Interior, in assisting to pay the extra expenses of assistants and the cost of arranging and preserving the specimens. This has served to diminish the cost to the Smithsonian fund for the maintenance and exhibition of the museum, but is by no means sufficient to defray all the expenses of that object.

Mr. HOLMAN. I submit the amendment to strike out the clause; and I desire to say, in addition to the explanation contained in the extract just read, that according to the last report made by the Secretary of the Smithsonian Institution there seems to be on hand, of the appropriations for the last few years, the sum of \$55,148.09. This amount of money is under the control of that Institution—\$30,910.14 being annually paid out of the Treasury of the United States for its maintenance. It is very true that this is interest on money which the Government assumed to pay—money which seems to have been loaned out many years ago, and lost. Still it is a direct charge on the Treasury.

Now it seems to me that one of the most desirable features in connection with the Smithsonian Institution, and that which gives to it any degree of popularity, is the museum for the preservation of which this appropriation is designed to be made; and it seems to me that, with so large a fund as that Institution now has in its hands, and inasmuch as its object is the diffusion of knowledge among mankind, and as the museum is as effectual in accomplishing that purpose as any other, this \$4,000 can very well be paid for such an object out of the annual appropriation. I therefore make the motion that this entire section be stricken out.

Mr. J. S. MORRILL, of Vermont. I dislike to oppose the motion of the gentleman from Indiana, because I believe he is sincerely desirous of saving money to the Government. But in relation to this particular item I think he labors under a slight mistake. Now it is true that all our naval officers are instructed, or at least are in the habit of contributing every year to a very great extent specimens of natural history which are deposited in the Smithsonian Institution. This Institution also receives a large collection of specimens in natural history from the various surveying and exploring expeditions. So large has been the receipts by this Institution of these specimens that they have supplied many of the scientific associations in the country. This appropriation, therefore, is not for the benefit of the Smithsonian Institution particularly, but to enable them to take care of and distribute these contributions that are now deposited there, and which they would be very glad to be relieved from the care of. It is but a small item, and, so far as I know, the only one we make for the benefit of science. I hope it will not be stricken out.

Mr. HOLMAN. I ask the gentleman whether a very large amount from the interest annually paid upon the Smithsonian fund is not absorbed in salaries? I understand that \$6,500 is paid annually in the shape of salaries to the Secretary and his assistants. It is true that the amount does not come out of the Government directly, but it comes out of the money to sustain that Institution, of which some \$30,000 is appropriated by the Government annually.

Mr. MORRILL, of Vermont. I answer the gentleman that the expenditure of the Smithsonian Institution fund is under the control and direction of the Regents of that Institution, and, I suppose, they are responsible for the manner in which those funds are expended. So far as I know their management does not fully meet my approbation, and if we have the power I should certainly be willing to ask for a reform in the management of that Institution. But this is an entirely separate and distinct matter.

Mr. SCHUYLER COLFAX. I move to reduce the appropriation \$1,000. I make this motion merely for the purpose of saying that I hope the gentleman from Ohio [Mr. Cox], who is one of the Regents of the Smithsonian Institution, will take care of my colleague [Mr. Holman] in this matter, and that he will defend the Institution from the attacks upon it from that side of the House.

Mr. HOLMAN. I wish to ask my colleague whether in the expenditures of the \$30,000 annually appropriated to supply the funds of this Institution there is any feature more entirely popular in its character or better calculated to carry out the purposes for which the original grant was made than the preservation and enlargement of the museum of the Institution?

Mr. COLFAX. I say to my colleague that I concur with him in the

remarks he has made; but as I am not yet sworn in as one of the Regents I must refer him for more particular information to the gentleman from Ohio.

Mr. S. S. Cox. One word, sir. My friend from Indiana [Mr. Holman], who has been placed under my charge by the gentleman from Indiana over the way [Mr. Colfax], has made an attack upon this appropriation and based his attack upon the expenditure of the Smithsonian fund. He finds fault with the action of the Regents. In other words, he finds fault because they have taken the interest upon the fund left by that philanthropic Englishman Smithson and appropriated some \$6,000 of it for the salaries of officers. I submit, sir, that the gentleman has no right and that the House has no right to inquire into the expenditure of that fund.

Mr. HOLMAN. Is not the interest upon that fund appropriated by Congress?

Mr. Cox. The expenditure of the interest upon the Smithsonian fund is under the direction of the Regents and nobody else. Congress has nothing to do with it. All that Congress gives is simply the small amount of \$4,000 to aid Smithson in his effort to diffuse useful knowledge among men—and women also. I hope the motion made by the gentleman from Indiana [Mr. Colfax] will, however, prevail. I hope this amount may be cut down to the extent of \$1,000 to satisfy my economical friend on my right [Mr. Holman]. I hope a small reduction will be made upon all these items to satisfy my friend from Indiana, and I think we might spare \$1,000 from this amount for that purpose.

Mr. THADDEUS STEVENS. I wish to ask the gentleman from Ohio whether this is not the sum which has always been appropriated for this purpose, and whether that sum has not always been found necessary for the purpose of collecting and distributing these collections?

Mr. Cox. I suppose the chairman of the Committee on Ways and Means is perfectly familiar with these matters. I can not answer, not having yet been sworn in as a Regent.

Mr. STEVENS. I rose to ask the question, supposing that I had no right to answer it myself, when one of the Regents was present. If the gentleman from Ohio will give me leave to answer, I will state that this sum has always been appropriated, and the officers of the Institution report that it is necessary for these purposes.

Mr. COLFAX. I withdraw my amendment.

Mr. HOLMAN. I renew the amendment. Before the question is taken on it, I desire to state that the sum of \$30,000 is always appropriated in payment of the interest on this Smithsonian fund, although the Government itself has never received any benefit from the fund, and it is only equitably liable for the interest upon it. Out of that sum, as I have stated, \$6,500 is paid in the shape of salaries, and if my

memory serves me correctly, over \$2,000 is placed under the head of contingent expenses, although all proper expenses seem to be covered by the various other items.

Inasmuch, however, as the preservation of this museum comes as much within the original intention of the donor as any other purpose to which it is applied, and is the only really popular feature of the Institution, it seems to me that it can properly be provided for out of the regular fund.

Mr. Cox. For the information of the gentleman, I would like to correct him in his statement about the Government not being liable to pay this \$30,000 interest money. The Government received \$500,000 from the Smithson estate, and was unfortunate in the investment of the money. It invested it, I believe, in Arkansas bonds, which proved worthless. It received the money, and was accountable for it in all honor. And to carry out the purposes for which the fund was intended they are bound to pay the interest upon the sum at 6 per cent, which is yearly due from the United States Treasury.

Mr. HOLMAN. I asserted that the payment of this \$30,000 was munificence, and not justice, on the part of the Government. I ask the gentleman whether the Government acted, in the acceptance of this trust, in any other capacity than as trustee; and whether as such the money was not invested in good faith?

Mr. Cox. I say they did accept the trust, and got the money.

Mr. HOLMAN. And did not they act in good faith in the investment of it, although it was lost?

Mr. Cox. I think they acted with very bad judgment.

The amendment was agreed to.

*March 1, 1862.*

Sundry civil act for 1863, etc.

For preservation of the collections of the exploring and surveying expeditions of the Government, \$4,000.

(Stat., XII, 350.)

*March 15, 1862.*

*Resolved, etc.,* That the letter from His Majesty the Major King of Siam to the President of the United States and the accompanying gifts, be deposited in the collection of curiosities at the Department of the Interior.

(Stat., XII, 616.)

*March 3, 1863.*

Sundry civil act for 1864, etc.

For preservation of the collections of the exploring and surveying expeditions of the Government, \$4,000.

(Stat., XII, 747.)

## EXPLORING EXPEDITION.

*March 14, 1862.*

Legislative, executive, and judicial act for 1863, etc.

For putting the plates of the exploring expedition in order for preservation, and transporting them and the other effects of the expedition to Washington, to be preserved in some of the public buildings or at the Smithsonian Institution, \$2,000; to be expended under the Joint Committee on the Library of Congress; and if any part of this appropriation shall remain unexpended for these purposes, the same may be applied, if necessary, to the completion of volume 23 of the works of said exploring expedition, or to the payment of any arrears of rent, or claims for service due on account of any of said works.

(Stat., XII, 368.)

*April 17, 1862—House.*

Mr. EDWARD MCPHERSON, from the Committee on the Library, reported a joint resolution (H. 67) to supply the Smithsonian Institution with a copy of each of the volumes of the Wilkes' Exploring Expedition. Adopted.

*April 21, 1862—Senate.*

Joint resolution from House of April 17 adopted.

*April 24, 1862.*

*Be it resolved etc.,* That the officer in charge of the Library of Congress be, and he is hereby, directed to furnish to the officer in charge of the Smithsonian Institution a copy of each of the volumes of the exploring expedition of Captain Wilkes, now in the possession of the Library.

(Stat., XII, 618.)

## REPORT OF SMITHSONIAN INSTITUTION.

*June 4, 1862—House.*

Annual report of the Smithsonian Institution for 1861 presented.

Mr. S. S. Cox moved that 5,000 extra copies be printed.

*June 5, 1862—House.*

Mr. AMBROSE W. CLARK, from the Committee on Printing, reported the following:

*Resolved,* That there be printed 5,000 extra copies of the Report of the Smithsonian Institution for the year 1861; the woodcuts to be furnished at the expense of the Smithsonian Institution; 3,000 copies for the use of members of the House and 2,000 for the use of the Institution.

Adopted.

*June 9, 1862—Senate.*

The following resolution was adopted:

That 5,000 additional copies of the Report of the Smithsonian Institution for 1861 be printed—2,000 for the use of the Smithsonian Institution and 3,000 for the use of the Senate: *Provided,* That the aggregate number of pages contained in said report shall not exceed 450, without woodcuts or plates, except those furnished by the Institution.

*February 23, 1863—Senate.*

Annual report of the Institution for 1862 presented.

Mr. W. P. FESSENDEN moved to print extra copies.

*February 27, 1863—House.*

Annual report of the Institution for 1862 presented.

Mr. EDWARD MCPHERSON moved to print extra copies.

*February 28, 1863—Senate.*

The following resolution was passed:

That 5,000 additional copies of the Report of the Smithsonian Institution for 1862 be printed—2,000 for the use of the Smithsonian Institution and 3,000 for the use of the Senate: *Provided*, That the aggregate number of pages contained in said report shall not exceed 450, without woodcuts or plates, except those furnished by the Smithsonian Institution; and that the Superintendent of the Public Printing be authorized, if consistent with the public service, to allow the Smithsonian Institution to stereotype the report at its own expense, or to otherwise print at its own expense such additional copies as may be desired from the type set in the Government printing establishment.

*March 3, 1863—House.*

Mr. A. W. CLARK, from the Committee on Printing, reported a resolution:

That 5,000 extra copies of the Report of the Smithsonian Institution for 1862 be printed—3,000 for the Smithsonian Institution and 2,000 for the use of the members of the present House.

Agreed to.

### THIRTY-EIGHTH CONGRESS, 1863-1865.

#### REPORT OF SMITHSONIAN INSTITUTION.

*June 13, 1864—Senate.*

Annual report of the Smithsonian Institution for 1863 laid before the Senate.

Mr. LYMAN TRUMBULL moved that extra copies of the report be printed.

*June 13, 1864—House.*

Annual report of the Smithsonian Institution for 1863 laid before the House of Representatives, and Mr. S. S. COX moved that extra copies be printed.

*June 18, 1864—Senate.*

Mr. H. B. ANTHONY, from the Committee on Printing, reported the following:

*Resolved*, That 5,000 additional copies of the report of the Smithsonian Institution for 1863 be printed, 2,000 for the use of the Smithsonian Institution and 3,000 for the use of the Senate: *Provided*, That the aggregate number of pages contained in said report shall not exceed 450, without woodcuts or plates, except those furnished by the Institution; and that the Superintendent of Public Printing be authorized, if

consistent with the public service, to allow the Smithsonian Institution to stereotype the report at its own expense, or to otherwise print at its own expense such additional copies as may be desired from the type set in the Government printing establishment.

Adopted.

*June 28, 1864—House.*

Mr. A. W. CLARK, from the Committee on Printing, reported the following:

*Resolved*, That 5,000 extra copies of the report of the Smithsonian Institution for 1863 be printed, 3,000 for the use of the Smithsonian Institution and 2,000 for the use of the members of the House.

Adopted.

*March 1, 1865—Senate.*

Annual report for the year 1864 presented and ordered to be printed.

*March 8, 1865—Senate.*

Mr. H. B. ANTHONY. I offer a resolution in connection with the report of the Smithsonian Institution. It is the usual annual resolution on the subject, and has received the assent of the Committee on Printing, and need not, therefore, be referred to that committee:

*Resolved*, That 5,000 additional copies of the report of the Smithsonian Institution for 1864 be printed, 3,000 for the use of the Senate and 2,000 for the use of the Smithsonian Institution: *Provided*, That the aggregate number of pages in said report shall not exceed 450, without woodcuts or plates, except those furnished by the Institution, and that the report be stereotyped.

Agreed to.

#### CARE OF GOVERNMENT COLLECTIONS.

*July 2, 1864.*

Sundry civil act for 1865.

Smithsonian Institution: For the preservation of the collections of the exploring and surveying expeditions of the Government, \$4,000.  
(Stat., XIII, 348.)

#### AMENDMENT TO ACT OF ORGANIZATION OF SMITHSONIAN INSTITUTION.

*December 21, 1864—Senate.*

Mr. LYMAN TRUMBULL asked, and by unanimous consent obtained, leave to introduce a bill to repeal the provision of law requiring certain Regents of the Smithsonian Institution to be members of the National Institute; which was read twice by its title.

Mr. TRUMBULL. I scarcely know to what committee it would be desirable to refer this bill, and unless somebody wishes it referred, I shall ask the Senate to act upon it at once. If the Senate will indulge me for one moment in making an explanation of it, I think there will be no objection to it.

The act establishing the Smithsonian Institution provided that two of the Regents should be residents of the city of Washington and

members of the National Institute in the city of Washington. The National Institute was an incorporated association, and its charter has expired. It did not meet with much success; it has been dissolved; and there are now no members of the National Institute. There is a vacancy in the Board of Regents, occasioned by the death of General Totten, which needs to be filled, but it can not be filled by the appointment of a resident of Washington and a member of this Institute, as there are no longer any members of this Institute. The object of this bill is to repeal that provision of the law which requires that two Regents should be members of the National Institute. I hope the Senate will let the bill pass at once, as it is desirable to fill that vacancy.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. J. COLLAMER. I do not know that I understand the gentleman aright. Is it proposed to repeal that part of the law which requires them to be inhabitants of Washington?

Mr. TRUMBULL. No, sir; not at all. I ask the Secretary to read the bill again, so that the Senator from Vermont may see that it does not repeal that part of the law requiring them to be residents of Washington.

The Secretary read the bill:

*Be it enacted, etc.,* That so much of the "act to establish the Smithsonian Institution, for the increase and diffusion of knowledge among men," as requires that two of the Regents of said Institution shall be members of the National Institute, in the city of Washington, be, and the same is hereby, repealed.

The bill was reported to the Senate without amendment and passed.  
*January 6, 1865—House.*

Mr. S. S. COX. I ask unanimous consent to take from the Speaker's table Senate bill to repeal the provision of law requiring certain Regents of the Smithsonian Institution to be members of the National Institute.

There being no objection, the bill was taken up, and was read a first and second time.

Mr. COX. I may state that the object of this bill is to repeal that provision of law which requires that two of the Regents of the Smithsonian Institution shall be members of the National Institute—an institution which is now obsolete.

The bill was passed.

*January 10, 1865.*

*Be it enacted, etc.,* That so much of the act "To establish the Smithsonian Institution, for the increase and diffusion of knowledge among men," as requires that two of the Regents of said Institution shall be members of the National Institute, in the city of Washington, be, and the same is hereby, repealed.

(Stat., XIII, 420.)

## FIRE AT SMITHSONIAN INSTITUTION.

*February 2, 1865—Senate.*

The Senate passed the following:

*Resolved by the Senate (the House of Representatives concurring),* That the Committee on Public Buildings and Grounds of the Senate, conjointly with the Committee on Public Buildings and Grounds of the House of Representatives, be, and they are hereby, directed to inquire into the origin of the fire by which the Smithsonian Institution building and the valuable deposits therein were, on Tuesday, the 24th day of January, in whole or in part, destroyed; the approximate loss to the Government and to private persons; the means necessary to preserve the remaining portions of said building and its contents from further injury, and such other facts in connection therewith as may be of public interest, and to report by bill or otherwise.

*February 2, 1865—House.*

The concurrent resolution from the Senate of February 2 was passed.

*February 21, 1865—Senate.*

Mr. SOLOMON FOOT submitted a report:

The Joint Committee of the Senate and House of Representatives on Public Buildings and Grounds, to which was referred the resolution passed February 2, 1865, respectfully report—

That they visited the building, inquired into the origin of the fire, the character and extent of the loss sustained, and requested the Regents, through the Secretary, to furnish a written report on the subject of investigation. In accordance with this request the following report was presented:

REPORT OF THE SPECIAL COMMITTEE OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION RELATIVE TO THE FIRE.

The special committee appointed by the Board at its meeting on January 28, 1865, to inquire into the origin of the fire at the Smithsonian Institution, to ascertain the extent and character of the loss sustained, and to make suggestions as to what measures should be adopted for the repair and improvement of the building, respectfully report that they have performed the duty assigned them, so far as the time and their means of information would permit.

I.—THE ORIGIN OF THE FIRE.

The testimony has been taken of all persons connected with the establishment that had any knowledge of the occurrence, and a written account of the whole is herewith submitted; also a report from Col. B. S. Alexander, United States Army, who superintended the fireproofing of the main building, of his examination of the flues connected with the accident.

It is evident from the concurrent testimony thus obtained that the fire commenced in the southwest part of the roof of the main building, in the woodwork immediately under the slate covering, and that it was kindled by the heated air or sparks from a stove which had been temporarily placed in the room immediately below. The pipe of this stove had been inserted by mistake into a brick furring-space resembling a flue, which opened under the rafters instead of into the chimney flue, within a few inches of the latter. By whom the hole into which the pipe was inserted was orig-

inally made is not known, but it is remembered that a stovepipe was put into it as far back as 1854, at the time of the exhibition held by the Mechanics' Institute in the building. No fire, however, had been in this room for ten years previous to Monday, January 15, when the machinist and carpenter of the Institution were engaged, with several other of the employees, in rearranging the pictures of the gallery, the weather at the time being unusually cold. These persons, for temporary convenience, set up the stove above mentioned, intending to remove it as soon as their task was finished. A coal fire, kindled with wood, had been burning in this stove for eight days previous to the conflagration, yet it appears from the testimony that no evidence of combustion was observed by a person who passed through the loft six hours before the breaking out of the flames. It is probable, however, that the wood had been undergoing a process of charring for several days.

On account of the very expensive style of architecture selected for the building and the limited means at the command of the board, the plan had been at first adopted of finishing the interior of the whole edifice with wood and plaster. A large portion, however, of the interior woodwork of the main building, after the roof and exterior had been finished, gave way and fell; whereupon the Regents ordered the removal of the woodwork and its place supplied with incombustible materials. Thus the main building was rendered fireproof with the exception of the supports of the roof, which, being covered with slate, was assumed to be safe. The only danger of the occurrence of fire was supposed to exist in the two wings and the towers, and to guard against this contingency especial precautions were constantly observed, viz: (1) No smoking was allowed in any part of the building at any time. (2) No lights were allowed to be carried from one part of the building to another except in lanterns. (3) Three coils of large hose were deposited, ready for use, one in the upper story and the other two on the first floor of the building, and there were water pipes in the basement with faucets. (4) Barrels and buckets, kept constantly filled with water, were placed at different points of the building. (5) The rule was observed of cleaning the flues every autumn before the commencement of fires. (6) A watchman was employed each night, who made every hour the rounds of all the rooms in the building, giving special attention to those in which fire had been kindled during the day, including the apartments occupied by the family of the Secretary.

These precautions, however, as it has proved, were of no avail—the fire having occurred at a point where no danger was apprehended, and to which access could with difficulty be obtained.

## II.—THE CHARACTER AND EXTENT OF THE LOSS SUSTAINED.

The loss to the Institution was as follows:

1. The contents of the Secretary's office, consisting of the official, scientific, and miscellaneous correspondence, embracing 35,000 pages of copied letters which had been sent (at least 30,000 of which were the composition of the Secretary), and 50,000 pages of letters received by the Institution. Here, moreover, were lost the receipts for publications and specimens; reports on various subjects which have been referred to the Institution; the records of experiments instituted by the Secretary for the Government; four manuscripts of original investigations, which had been adopted by the Institution for publication; a part of the manuscript material of the report of the Secretary for 1864; a large number of papers and scientific notes of the Secretary; a series of diaries and memorandum books, and a duplicate set of account books, prepared during the last twelve years, with great labor, by Mr. Rhees, the chief clerk; also about 100 volumes of valuable works kept at hand for constant reference.

2. In the apparatus room the large collection of scientific instruments, including the donation of the late Dr. Hare.

3. A part of the contents of the Regents' room, including the personal effects of Smithson, with the exception of his portrait and library.

4. The contents of the rooms in the towers, including the meteorological instruments, the workshop, containing a lathe, and a large number of valuable tools, nearly all the stock on hand of the duplicate copies of the annual reports, and many other public documents and books intended for distribution to libraries, as well as a quantity of stationery, hardware, etc.

5. The woodcuts of the illustrations contained in the Smithsonian publications.

The loss to other parties was as follows:

1. The contents of what was called the Picture Gallery, viz: (a) About 200 portraits, nearly all of life size, painted and principally owned by Mr. J. M. Stanley, formerly of this city, and now of Detroit, Michigan, and which were on deposit in the Institution. (b) A number of half-sized Indian portraits, painted by Mr. King for the Government. (c) A copy, in Carrara marble, of the antique statue known as the "Dying Gladiator," by John Gott, and owned by Mr. J. C. McGuire, of this city.

2. A number of surveying instruments belonging to the Government.

3. The clothing, books, and private effects of several of the persons connected with the Institution, and of those engaged in scientific studies.

4. The library removed from Beaufort, South Carolina, by the army, and also that of Bishop Johns, from Fairfax Theological Seminary, given in charge to the Institution by the Secretary of War for safe-keeping, which libraries were stored in an upper room in the south tower.

Independent of injury to the building, the loss to the Institution, as far as it may be estimated and can be restored by money, may be stated at about \$20,000; and to individuals, \$26,000, viz: To Mr. J. M. Stanley, \$20,000; Mr. J. C. McGuire, \$1,000; Prof. Joseph Henry, \$1,500; Mr. W. J. Rhees, \$1,200, Mr. W. De Beust, \$1,300; and all others, \$1,000.

Although the loss which the Institution and individuals have sustained is much to be regretted, yet it is a source of consolation that by far the greater part of the valuable contents of the building have escaped without injury. The valuable library of the Institution, the most extensive, in regard to the transactions of learned societies and scientific books, in this country; the museum, including the collection of the exploring expedition and those of the Institution; the large stock of many thousand duplicate specimens for distribution to all parts of the world; the records of the museum; a large portion of the correspondence relative to natural history; nearly all the records of meteorological observations which have been accumulated during the last fifteen years; the sets of Smithsonian publications (except the annual reports) which have been reserved to supply new institutions, and the stereotype plates of all the works which have been published during the last four or five years, have been saved. All the original vouchers of payments made by the Institution, the ledger in which they were posted, and the daybook from 1858, were also preserved, having been deposited in a safe in the Regents' room. The contents of the connecting range between the library and the museum are uninjured; this includes a series of plaster casts and portraits of distinguished men, among the latter a life-size portrait of Guizot, by Healy; an original full-length figure of Washington, by the elder Peale, and also a valuable series of rare engravings illustrative of the history of art, purchased from the Hon. George P. Marsh.

All the important acts of the Regents from the beginning, and an account of the operations of the Institution, having been published from year to year in the several reports to Congress, a continued record of the history of the establishment from the beginning is, therefore, still in existence. As these reports have been widely distributed, they are generally accessible to the public.

The burning of the roof of the building can scarcely in itself be considered a calamity, since it probably would have occurred at some future time when a much larger accumulation of valuable articles might have been destroyed; and since it will

now be replaced by one of fireproof materials. The fireproofing, as far as it was carried, was well done, and it is to this circumstance that the preservation of the most valuable objects of the establishment is due.

### III.—SUGGESTIONS AS TO WHAT SHOULD BE DONE.

There can be no hesitation in adopting the conclusion that steps should be immediately taken not only to repair the injury, but to improve the condition of the building.

1. The main edifice should be provided with a metallic roof.
2. For the wooden conical terminations of the towers should be substituted metallic coverings.
3. All valuable articles belonging to the Institution or deposited in it, including the library, should be placed in the main building, which should be cut off from the wings by iron doors.
4. Provision should be made for a thorough heating of the whole building by steam or hot water.
5. Suggestions should be requested from competent architects and engineers as to work to be done, and those which are adopted should be embodied in working plans and drawings.
6. A building committee of the board should be appointed to have charge of the work.

No very exact estimate can as yet be made as to the cost of the repairs, etc., for it has not been possible, without erecting a scaffolding, to determine whether it will be necessary to take down the high northern tower. Colonel Alexander, of the Engineer Corps, however, has informed the committee that he thinks \$100,000 will be required to make the necessary repairs and improvements.

The committee can not conclude without adding that, in their opinion, the occurrence of the fire ought not to be allowed to interfere with the active operations of the Institution, on which essentially depends the reputation it has established throughout the world and its efficiency as an instrument for "the increase and diffusion of knowledge among men." To the support and extension of these operations, therefore, the annual interest from the original fund should, as far as possible, continue as heretofore to be conscientiously applied.

Respectfully submitted.

RICHARD WALLACH,  
JOSEPH HENRY,  
*Special Committee.*

WASHINGTON, *February, 1865.*

(Appended to this report was the testimony relative to the origin of the fire, losses, etc.)

At a subsequent meeting of the committee Professor Henry was requested to state his connection with the Institution, to give an account of its objects and operations, the origin of the building, and such other facts as might be of public interest. In conformity with this request he made a statement: (See Senate Rep. Com. No. 129, Thirty-eighth Congress, second session.)

Mr. SOLOMON FOOT offered a resolution to print 1,000 extra copies of the report, 500 of which to be for the use of the Smithsonian Institution.

*February 22, 1865—Senate.*

The resolution of Mr. Solomon Foot to print report on the fire was adopted.

## INTEREST ON SMITHSON FUND.

*March 2, 1865—House.*

Mr. JOHN H. RICE, of Maine. I offer the following as an additional amendment to the [Sundry civil] bill:

*And be it further enacted,* That the Secretary of the Treasury be directed to pay the interest on the public debt due the Smithsonian Institution in the same funds as the interest on other permanent debts due by the United States prior to the present rebellion have been and are paid; and in case the interest heretofore paid to said Institution has been paid in a different currency and of less value than that paid by the Government on other permanent debts or trust funds, that the Secretary be directed to make up the difference to said Smithsonian Institution.

Mr. THADDEUS STEVENS. Why not put in the word "gold" at once?

Mr. W. S. HOLMAN. I rise to a question of order. This is not an appropriation in accordance with law, but it is an attempt to appropriate a specific sum of money in gold instead of the ordinary currency of the country.

The CHAIRMAN. The Chair sustains the point of order, and rules the amendment out of order.

Mr. S. S. COX. I appeal from the decision of the Chair, and I desire to be heard a moment in explanation. This is not an appropriation. It is only a direction to the Secretary of the Treasury to pay the interest on this special fund in gold, as it always has been paid, and as it ought to be paid now.

Mr. E. B. WASHBURN, of Illinois. I rise to a question of order. Has not the debate been closed on this bill?

The CHAIRMAN. It has, and the Chair adheres to its decision.

Mr. COX. I wish the Chair could have had the facts of the case before him before he decided it. I respectfully appeal from the decision of the Chair.

The question was, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken and the decision of the Chair was sustained.

Mr. R. P. SPALDING. I move to insert the following as an additional section:

SEC. —. *And be it further enacted,* That there be appropriated for the purpose of making repairs upon the building of the Smithsonian Institution, lately injured by fire, the sum of \$50,000.

Mr. WASHBURN, of Illinois. I raise the point of order that this amendment proposes to change the existing law, and is therefore out of order.

The CHAIRMAN. The Chair sustains the point of order.

*March 3, 1865—Senate.*

The next amendment was to insert the following as a new section:

*And be it further enacted,* That the Secretary of the Treasury be directed to pay the interest on the debt due the Smithsonian Institution in coin, as the interest on other permanent debts due by the United States prior to the present rebellion have been and are paid.

Mr. J. W. GRIMES. I have a word to say on that subject. I am opposed to the adoption of that amendment. In the first place, I do not know any reason why there should be a distinction made between a debt that is due to the Smithsonian Institution and a debt due to anybody else by the United States Government. I understand that by some construction or other the Treasury Department have decided that this is a kind of trust debt, and that from this time henceforth they intend to pay the interest upon what they call the trust fund in gold. The purpose of this amendment is to make this retrospective and to pay some \$40,000 in currency, being the difference between the amount which has hitherto been received by the Smithsonian Institution and that which they claim they ought to have received and would have received if this money had been paid to them in coin. The Smithsonian Institution is a very wealthy corporation, and is able to reimburse itself and to rebuild and refit the buildings which have been recently destroyed. It will be remembered that when Mr. Smithson made this bequest, or shortly after he made it, the Government created a corporation. That corporation, or their trustee, saw fit to invest their money in Arkansas bonds. Those bonds mostly turned out to be valueless. The Government, however, assumed it, and we now pay, and have for many years paid, the Smithsonian Institution upward of \$30,000 a year upon this amount of \$515,000, I think that is it, which is the amount of the permanent fund of the Smithsonian Institution.

Mr. CHARLES SUMNER. Allow me to ask the Senator whether the Government did not make that investment in Arkansas bonds? I think it was not an act of the corporation, but of the Government.

Mr. GRIMES. It is perfectly immaterial, so far as this question is concerned, whether the Government made it or whether the Regents of the Smithsonian Institution made it directly themselves; for if the Government made it, the Government made that investment at the instance and the request of the Regents of the Smithsonian Institution.

Mr. SUMNER. No; it was before the organization; before there were Regents.

Mr. GRIMES. Mr. President, the amount of the fund belonging to the Smithsonian Institution is \$515,000. They expended in the building on the public reservation \$325,000. It is claimed by them that to put the roof on the building, and put it in about the condition it was in before the fire, there will be required from \$36,000 to \$40,000; but to improve it as they want to improve it, to make it entirely fireproof, to change its construction very materially, they say they have the opinion of an army engineer, Colonel Alexander, but who is no architect, no expert, and whose judgment, therefore, is worthless in a matter of this kind, that it will cost somewhere in the neighborhood of \$100,000. This Institution, besides the \$515,000 upon which we are

paying them the interest, has accumulated from that interest \$75,000 in Indiana State bonds, which are good; \$53,500 in Virginia bonds, which are not of much value; \$12,000 in Tennessee bonds; \$500 in Georgia bonds; and \$100 in Washington city bonds. Then they have in cash \$20,000, and they have in gold \$26,200, which is worth \$52,000 to-day in currency. So it will be observed that they have in available funds, saying nothing about the Virginia, Tennessee, Georgia, and Washington bonds, \$95,000, besides \$26,200 in gold.

I have heard it said that we ought to pay the Smithsonian Institution this money in gold, because we pay some of the Indians by treaty stipulation in gold. I think the Senators who are members of the Committee on Indian Affairs will bear testimony to the Senate that we have paid gold to no Indians except where there was an express agreement in the treaty that payment should be made in coin. We have had, and have, an abundance of treaties with the Indians; we hold their money in trust; but in no instance, I undertake to say, has the money been paid to these Indians in gold except when there was an express stipulation in the treaty that it should be paid in gold. I know of no reason why there should be an exception made in favor of this rich corporation, the Smithsonian Institution—why they should be treated any better than our Indian tribes are treated.

Mr. JACOB COLLAMER. Are they not paid in gold?

Mr. GRIMES. I undertake to say that there are not and have not been any Indians paid in gold except where there was an express stipulation in the treaty that they should be paid in coin. I asked the gentlemen on the Committee on Indian Affairs, when the Indian appropriation bill was under consideration the other day, if that was not so, and they said it was so. The Senator from Kansas [Mr. Lane] bowed his head and said it was so. There are treaties made with the Indians, I admit, by which we have agreed to pay them in coin; and then there are other treaties in which we have not that stipulation; but where that stipulation is not embodied in the treaty we do not pay them in coin. There is lying on your table at this moment a communication from the Secretary of the Interior, asking that we shall do for these Indians precisely what the Smithsonian Institution asks we shall do for them—that we shall pay them in coin in the future. But this Senate, so far as I know, has refused to do that; so far as I am informed, the Committee on Indian Affairs have utterly refused to do it. I do not see the chairman of the Committee on Indian Affairs present, nor my colleague; but there are gentlemen here, I think, who know what the facts are in regard to the payment of these Indians. Now, I ask, if it be true, and I think it will be demonstrated in a few minutes that it is true, that this is the method in which we treat the Indians whose funds we hold in trust, is there any very substantial reason why we should deviate from this rule in favor of this corporation, the Smithsonian Institution?

Mr. JOHN SHERMAN. The Committee on Finance have no doubt at all about this proposition so far as it is now reported. It is true that a proposition was submitted to the committee that the back payments already made should be made equal to gold. That we rejected on the ground that the money having been received by the corporation, without any objection, they certainly can not now present a legal claim against the United States to make good any loss which may have accrued from their taking a depreciated currency. But upon the main question, that they are entitled to the interest of this trust fund in gold, we had no doubt. All the permanent debt of the United States is now payable in coin. That has been the established policy of the Government since the foundation of the Government, and I think it never has been departed from. Let me put this case: Suppose this corporation, instead of allowing this money to remain simply as a trust fund in the Treasury of the United States, had taken bonds of the United States registered in the ordinary way, which they had a right to do, and left them in the Treasury Department; they would have drawn their interest in gold precisely as the holder of any other bonds would have done. I am informed that this now stands as a registered debt.

Mr. GRIMES. How long has that been so?

Mr. SHERMAN. Always, I presume. It stands as a trust debt. There is no difference between them.

Mr. GRIMES. Where is the distinction between this case and that of the Indians?

Mr. SHERMAN. I will mention that in a few moments.

There is, therefore, no distinction between this case and any other portion of the permanent debt of the United States. This corporation, whether rich or poor, whether it is a charitable one or one making money on its own account, would have the right to demand of the Government the same interest that is paid to any other bondholder of the United States. The fact that this money stands to the credit of this corporation as a trust fund in the Treasury Department only strengthens that obligation, because it is a general rule of equity, as well as a rule of law, that a trust fund must be treated more favorably than any other fund. Therefore the United States, having assumed the burden of a trustee, would be held in a court of equity to a more rigorous rule than it would be even where it stands upon its legal rights. If the United States is bound to pay to any other class of bondholders interest in gold, it certainly should do so to this corporation, whether it be rich or poor, whether it be a charitable one or one making money on its own account. It seems to me, therefore, the proposition is plain.

But the Senator says that we have refused to do this with the Indians. The difference between our treaties with the Indians and an obligation of this kind is that an Indian treaty requires us to pay

annuities from time to time; every year we pay so much. It seems to me there is a distinction between the two. Wherever we stipulate to pay these annuities in coin, we pay them in coin. There is a difference between the payment of an annuity and the payment of interest on the public debt; and that difference has always been recognized since the foundation of the Government. But even if we did injustice to the Indians, we make it good by the payment of large bounties; we more than make it good by our annual appropriations for the expenses of the Indian department. Since the recent condition of affairs, since we have been involved in war, we have appropriated very large sums, this year amounting to more than \$1,000,000, for the benefit of the Indians not included in Indian treaties. We have indeed made good to them the appropriations in gold, or nearly so. If, therefore, there is any injustice done to the Indians, it certainly is not a peculiar hardship.

In this case the proposition was so plain that the committee had no hesitation about awarding the payment in gold from this time forward. I am told that this question has never been acted upon in the Treasury Department, but that if these parties had demanded their interest in gold, precisely as other creditors have done, and as they had a right to do, they would have been paid in coin at any time since the beginning of this war. There has been no distinction in the Treasury Department between this debt and any other funded debt of the United States the interest of which is payable in coin.

Mr. JOHN P. HALE. If I do not entirely misunderstand the nature of this case, it seems to me there is no force in the suggestions which have been made in regard to any obligations of the Government, for this reason: This Mr. Smithson gave this fund, some \$500,000 or more, to the United States; they are the beneficiaries of this donation; it was the property of the United States, and the Smithsonian Institution, whether it was a wise or an unwise creation of Congress, was simply a machinery instituted by the United States for the purpose of carrying on and carrying out the bequest of Mr. Smithson. To speak of this Institution as an institution apart from the Government of the United States, to my humble comprehension, is perfectly absurd. It is the United States that own this Institution. It was for the benefit of the United States that the fund was given to them, and Congress, because it was not convenient to take it and manage it, as they did the other interests of the Government, created these agents, created this Institution, as a mere matter of convenience by which the Government might manage the fund that was intrusted to them for the purposes specified in Mr. Smithson's will. They have no claim, no interest, in this matter. The only question was, How shall the Government, if they accept the trust, carry it on? They concluded to carry it on by this machinery. It is not an institution adverse to the United States Government. It is not

an institution that has the least claim under heaven upon the Government. They are the mere creatures of the Government, to enable them, according to the purport of the will, to execute the trust that has been confided to them. How can they come here and occupy the position of creditors? They are no creditors. They have no interest under heaven, not the slightest; they are the mere agents appointed by law to execute this trust for the United States in the use of a fund which belongs to the United States. That is the whole of it. That being the case, this being the property of the United States, managed for their benefit through this instrumentality, it is contended that the Government of the United States shall increase by a hundredfold the appropriations for the Institution. I do not see the slightest claim in the world.

Let me state another fact. The honorable Senator from Iowa did not state this thing exactly as it was. The fact was that about 1840, or not far from that time—I do not know the exact time that this fund was given to the United States—was a pretty hard time for the Democratic party; they had had bad luck, and the Secretary of the Treasury took the whole of this fund, every dollar of it, and gave it to Arkansas, no doubt for highly patriotic purposes, and it was all sunk, and there was an end of the bubble, or ought to have been. But Congress were so much tickled with the idea of this bequest that they assumed the debt. They did not make much by investing it in Arkansas politics; everything went by default, and then Congress stepped in and paid out of the Treasury that which they had wasted.

I will not repeat what I have heretofore said in regard to this Institution; I will not say but that it is possibly a wise one, and a wise appropriation of public money, because it is rather impertinent to the question that is now before the Senate. It has been characterized, I think by Greeley—and I do not often quote him—as a sort of lying-in hospital for literary valetudinarians, and that is about the amount of it. I remember once that some friends were here and had been visiting about the places of interest in the city of Washington, and had got pretty much through with them, when I asked them, “What are you going to do to-day?” They said they were going to look at the Smithsonian Institution, and find out what it was. I told them I was exceedingly glad they were going to start on such a mission, and I asked them, if they did find out, to tell me when they got back. They did not call on me when they got back.

Now, sir, I know of no reason under heaven why, when we are paying in currency the men who are shedding their blood in defense of the country, the men who are periling everything for the salvation of the country, we should come in and pay this pet child we have created in this manner in gold. I think it would shock the moral sense of the nation to-day, if they knew that we propose to pay in gold the interest

on this debt, which is no debt at all, when we pay those who fight our battles and shed their blood in our defense in currency. I hope the amendment will not be adopted.

Mr. THOMAS A. HENDRICKS. The Committee on Public Buildings and Grounds investigated this subject to some extent, and became entirely satisfied, with the exception of the Senator from Iowa, I believe, that this interest ought to be paid in gold. I am very glad to hear the statement of the Senator from Iowa. I am glad he is able to prove that this Institution is in good condition. I am gratified that he has shown it has full funds, with an accumulation of \$75,000 in Indiana bonds—a sure and reliable fund—and something against the State of Virginia. I shall be gratified each session while I have the honor of serving along with him to hear him make as good a statement of the Smithsonian Institution as he has to-night.

He says it is a rich institution. I am glad of that. I was once a member of the Indiana legislature, and every now and then I heard some representative or senator talking about the bloated corporations of the State; and we all had it in our heads that the wealth of the corporations, in some way or other, was made off our constituents, and therefore, to some extent, we were justified in making war upon them, for they were men that made their gains off the people. But this is not the case with the corporation that the Senator now styles a wealthy corporation. No money to fill the coffers of that Institution came from the good people of Iowa.

Mr. J. W. GRIMES. Not until we pay them in gold \$62,000 in place of \$31,000, while we pay to Iowa soldiers, as the Senator from New Hampshire well said, only \$6.50 in gold. Then it will come off my constituents.

Mr. HENDRICKS. As I was going on to say, all the rich funds of that Institution came not from the people of Iowa or of Indiana. It was a munificent grant from a foreigner, Mr. Smithson, for the purpose of establishing in this country an institution for the acquisition and diffusion of useful knowledge among men. That \$500,000 was received not in paper, but in gold, coming from a kind friend of this country across the water. If, therefore, the Institution is rich it is well for us; if it were poor it would be a disgrace to us to-day.

Mr. GRIMES. I think the Senator is mistaken in the language used in the will, and I think that in that respect the managers of it have been true to the direction of the testator. It was not “useful knowledge among men,” but “knowledge among men.”

Mr. HENDRICKS. Well, sir, whether knowledge is useful or not I will not undertake to discuss now. The purpose of the bequest was to establish in this country an institution for the diffusion of knowledge, or useful knowledge, among men. I think the language used was “useful knowledge.” Whether the knowledge that is diffused

among men from that Institution be useful or not I do not care now to discuss. If I were to judge from the number of applications I have for the reports of that Institution, I should say it is useful knowledge.

Then, sir, if the Institution is rich, it has cost his constituents and mine nothing; but if it were poor to-day and we refused to make up the entire fund, it would cost his constituents and mine something—it would cost their honor.

Now, sir, upon the leading question I do not agree with the Senator from New Hampshire. This Institution does not belong to us; it is not the property of the United States. The United States, in respect to that Institution and the funds that endowed it, is but the trustee. We are not the beneficiaries, in its language. The people of the world are the beneficiaries; all who can be instructed by the diffusion of useful knowledge are the beneficiaries.

The Senator from New Hampshire spoke also of a loss because of a purchase of bonds of the State of Arkansas. If we purchased bonds that were not a sure investment, in law, or rather in equity, we are bound to make it good. If the United States, as a trustee, makes a bad investment, she must make that investment good. If the Senator held funds for me, or if, as a guardian, he held funds for some of his minor constituents, and made a bad investment, would he not be compelled to make it up? If he made a bad investment he would be compelled to make it good, unless he used due care and acted under the direction of the court. I admit if entire diligence is used, perhaps he would not be responsible in a court of equity. But I understand the facts to be that the Institution has lost nothing from the Arkansas bonds. That has been made up; they have been paid, and there has been no loss resulting from that investment.

Mr. HALE. The Senator is mistaken.

Mr. HENDRICKS. I was so told the other day. I am not fully informed, except as the committee were informed by Professor Henry, who has this business in charge. That is the way I understand it. The interest has been paid.

Mr. HALE. The bonds have not been paid.

Mr. HENDRICKS. Whether the bonds have been paid or not is not important. We got gold, and were to use it as a trustee to establish an institution that would be an ornament to the country as well as useful to the world. Now, sir, what is the obligation of the United States in respect to that—a gold investment endowing an institution not for the benefit of the United States, but for the benefit of mankind generally? I understand the decision of the Treasury Department has been that all trust funds are to be paid in gold and that all the debts against the Government prior to the commencement of the war are to be paid in gold.

Both the Senators have asked why we pay gold to this Institution

when we pay greenbacks to the soldiers. Why do the Senators agree by their numerous votes here to pay gold to the men who buy the bonds of the United States? Why do they make their investment worth 12 per cent when other men use their money for their own benefit but to the extent of 6 per cent? Why do they pay gold to the creditors that they create now, not by \$500,000 at a time, but by \$600,000,000 at a time in gold? Let them answer that. It is a question between them and the soldiers. They pay the creditors of the Government in gold and the soldiers in greenbacks. Both Senators unquestionably were governed by proper considerations. I think it is a plain obligation on the part of the Government to pay this interest in gold. It is according to the practice of the Government, and I should think it a shame to the Government to do otherwise.

MR. LYMAN TRUMBULL. I am a little surprised at the course of the Senator from Iowa and the Senator from New Hampshire. The Senator from New Hampshire says this is not a trust at all; this property was given to the United States. It was given to the United States by James Smithson, but it was given for a particular purpose, and it is as much a trust as when any testator bequeaths property to a particular person for a particular purpose. The Congress of the United States in 1846 passed an act by which they recognized this as a trust, and I would like to inquire of the Senator from New Hampshire if he means to repudiate the action of this Government; if he means to repudiate the solemn obligation which this Government has taken upon itself? It is a direct act of repudiation on the part of the Government to deny that this is a trust and that it is held as a trust for particular purposes. The act of 1846, which I have before me, declares—

That James Smithson, esq., of London, in the Kingdom of Great Britain, having by his last will and testament given the whole of his property to the United States of America to found at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men, and the United States having, by an act of Congress, received said property and accepted said trust: Therefore, for the full execution of said trust according to the will of the liberal and enlightened donor, *Be it enacted, etc.*

Here is a solemn act of Congress acknowledging the receipt of this property as a trust fund. It was given for the purpose of founding “at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men,” and the Senator from Iowa says “not useful knowledge.” Why, sir, I thought that the term “knowledge” implied that it was a useful thing. I supposed that knowledge was valuable; that it was what we all sought to acquire. This property was accepted in trust for this identical purpose, and to repudiate it now and say it is no trust, it is the money of the Government and you have a right to squander it and

use it, is as direct a breach of faith as it would be on the part of **this** Congress to pass a law that it would pay no debt whatever that it **had** created. It would be the worst species of repudiation—worse **than** borrowing money and refusing to pay it under ordinary circumstances. The Government has accepted it; it has committed itself to it, and **this** Institution had as perfect a right to call for the payment of the interest as it fell due, in coin, as had any other creditor of the Government.

The Senator from Iowa wants to know why a distinction is to be made between the debt due the Smithsonian Institution and a debt due any other person. No distinction is to be made. It is the very **thing** we do not want to do. The Government of the United States in 1861, when this rebellion broke out, owed some \$90,000,000; and does **not** the Senator from Iowa know that we paid the interest to every one of the holders of that indebtedness in gold?

Mr. J. W. GRIMES. I know we did not do it to the Indians.

Mr. TRUMBULL. You have done it to the Indians in many instances; but because you have wronged the Indian who can not assert his **rights**; because you have violated your treaties with him, and by act of Congress are changing treaties every day and driving him from the lands that you set apart to him and said you would never disturb him in the possession of; because you impose upon the Indian, do you propose now to violate all your contracts? You are bound to pay the Indian in gold if you have agreed so to pay him. Sir, this argument by which you talk about not paying the poor soldier in coin snacks a little of a speech upon the stump. The Senator from Iowa votes **here** to pay the foreign bondholder in coin.

In my opinion this amendment does not go far enough. The reason, probably, for the introduction of the amendment at this time is in consequence of a calamity, the destruction of a part of the Smithsonian building within a few days by fire, involving a very large expenditure to repair the building; but instead of calling upon Congress for an appropriation for that purpose it was thought on the part of the managers of the Institution they would be enabled to get along if they received the interest due the Institution in coin. They were entitled to receive it, and they would have received it in coin had they insisted upon it heretofore. The only reason that it has not been insisted upon, as I understand, is that in this great emergency of the country, as the Institution was able to get along, the matter was not pressed upon the Secretary of the Treasury, who never denied the obligation of the Government to pay in coin as much upon this debt as any other debt which the Government owed. I am informed by the Senator from Maine [Mr. Farwell] that they received the currency of the country without making a special demand for the coin under the particular condition of things in the country at the time. The Institution will be able, as I understand, to repair the building, provided they receive what they **are**

entitled to receive, and hence this proposition to pay the interest in coin. I shall move an amendment to the proposition to make up the difference between the currency which the Institution has received and the coin to which they were entitled in order that they may have the means to repair the building. I think the Government is bound to pay it by every obligation, and particularly by the obligation which it took upon itself when it accepted this fund.

But the Senator from Iowa brings in here the fact that this fund was invested in Arkansas bonds. Was that the fault of Smithson, who made the bequest? Whose fault was it if an improvident use was made of the funds of the Institution? But that question is not now to be settled. The Government of the United States has assumed the control of this money, has incorporated this Institution, has agreed to pay the interest forever at 6 per cent upon the money that was placed in its Treasury, and unless it means to repudiate this obligation it is bound to pay it, and it is bound to pay it in the same currency that it pays to other creditors similarly situated. That is all that the Institution asks. They probably would not have pressed at this time for the payment in coin but for the misfortune of the fire which has recently occurred. I move to amend the section which is pending by adding to it the following:

And in case the interest heretofore paid to said Institution has been paid in a different currency, or of less value, than that paid by the Government on other permanent debts or trust funds, that the Secretary be directed to make up the difference to said Smithsonian Institution.

Mr. JACOB COLLAMER. Mr. President, I do not wish to confine my remarks to the amendment now under consideration. I can see no good reason for the amendment of the Senator from Illinois. So far as this Institution have received their interest in any money that was satisfactory to them when they received it I consider it paid. In relation to what has not been paid them, it undoubtedly should be paid them, as I think, in coin, as is the case with all the trust funds in the hands of the Government.

But, sir, I rose more particularly to make one remark. I feel a good deal gratified at the speeches that have been made on this subject this evening, and from this consideration: Congress, by the votes of many of the gentlemen who have spoken on this subject to-night, passed a law nearly four years ago to enable individuals to pay off their old notes in depreciated paper at half price, and we called it a legal tender. These gentlemen voted for that measure, by which people were enabled to cheat their creditors and by which the Government never got anything, and never will. But what particularly gratifies me is this: That while they were willing to make a law, and it is a standing law now, to enable individuals to cheat their creditors by paying them off in money at half price they are ashamed to do it on

their own account and will not do any such thing, and I hope they never will.

Mr. GARRET DAVIS. Mr. President, I think there is a higher obligation to keep this bequest at its original amount than any legal obligation. Smithson was a natural son of the Duke of Northumberland. He made a declaration in connection with this bequest that he would render his name more famous than that of the illustrious house to which he was allied. He executed a will, in which he bestowed the whole of his estate upon the United States, in trust, to establish, as the honorable Senator from Illinois has just read, an institution to be located in the city of Washington for the increase and diffusion of knowledge among men. That was the highest testimony that that individual could have rendered to the Government of the United States or to the United States themselves. Although allied to an illustrious house, he gave all that he had of worldly property to our country and to our Government for the purpose of founding an institution for the increase and diffusion of knowledge. From the circumstances under which the bequest was made and the manner in which its execution was assumed by our Government, in my judgment it creates a higher than a legal obligation that the amount and value of this noble bequest shall not deteriorate or be reduced in amount in the hands of those that he charged with the execution of the trust.

The honorable Senator from Illinois says, correctly, no doubt, that the reason why this application is now made at this time is because of the misfortune that befell the Smithsonian Institution a few weeks since. That was in some degree the fault of the United States Government. It had property deposited for custody and exhibition in the Interior Department, which was directed by the officers of the Government to be transferred to the Smithsonian Institution for the same custody and for similar exhibition. This property was not properly attached to, or appended to, the Smithsonian Institution. The managers of that Institution received the custody and the possession of this property reluctantly and only because its custody had been imposed upon them by the officials of the United States Government. The proper arrangement of that property in one of its halls rendered necessary the making of some repairs in the hall that caused the making of a fire in that hall, which resulted in the conflagration of the building.

It seems to me, Mr. President, in view of the nature of the bequest, of the nobleness of the motives of the testator who bequeathed it, of the high scientific purposes for which it was given to the United States; in view of the great trust and confidence that was reposed by the testator in the Government, and in the United States, and in our country, and in view of the fact that this fire that resulted in the burning of the Smithsonian building arose from the imposition of a duty

that did not appertain to that Institution at all, the United States Government ought to hold itself bound by every obligation to keep the bequest at its original value; and that is all that is proposed.

The Presiding Officer (Mr. SOLOMON FOOT in the chair). The question is on the amendment of the Senator from Illinois [Mr. Trumbull] to the amendment of the committee.

The amendment to the amendment was rejected.

The amendment of the committee was adopted; there being, on a division—ayes 21, noes not counted.

The PRESIDING OFFICER. The amendments reported by the Committee on Finance are all disposed of.

Mr. J. P. HALE. I find we have got another Smithsonian Institution on a smaller scale in this bill that I want to get rid of. I move to strike out the following clause :

For publishing the annual report of the National Academy of Sciences, made to Congress under the act approved March 3, 1863, \$6,000.

If there is no objection to striking it out I have nothing to say.

The amendment was agreed to.

#### APPOINTMENT OF REGENTS

*By the Vice-President.*

*March 7, 1865—Senate.*

Mr. SOLOMON FOOT offered resolution :

That the President of the Senate appoint a Regent of the Smithsonian Institution, on the part of the Senate, in the vacancy now existing in the Board of Regents.

The President pro tempore (Mr. DANIEL CLARK) appointed William P. Fessenden.

#### APPOINTMENT OF REGENTS

*By the Speaker.*

*December 23, 1863—House.*

The Speaker (Mr. SCHUYLER COLFAX) announced that that being the day fixed for the appointment of three Regents for the Smithsonian Institution, he had appointed S. S. Cox, of Ohio, Henry Winter Davis, of Maryland, and J. W. Patterson, of New Hampshire.

#### APPOINTMENT OF REGENTS

*By Joint Resolution.*

*January 11, 1865—Senate.*

Mr. LYMAN TRUMBULL introduced a joint resolution:

That Richard Delafield, resident of Washington City, be, and he hereby is, appointed a Regent of the Smithsonian Institution, in place of Joseph G. Totten, deceased.

*January 17, 1865—Senate.*

Senate resolution to appoint Mr. Delafield, Regent, passed.

*February 11, 1865—House.*

On motion of Mr. AUGUSTUS FRANK, the joint resolution from the Senate appointing Richard Delafield a Regent of the Smithsonian Institution was taken up and passed.

*February 14, 1865.*

*Resolved, etc.,* That Richard Delafield, resident of Washington city, be, and hereby is, appointed a regent of the Smithsonian Institution, in place of Joseph G. Totten, deceased.

(Stat., XIII, 569.)

### THIRTY-NINTH CONGRESS, 1865-1867.

#### PARIS EXPOSITION.

##### *Joint Resolution.*

*January 16, 1866.*

Whereas the United States have been invited by the Government of France to take part in a universal exposition of the productions of agriculture, manufactures, and the fine arts, to be held in Paris, France, in the year 1867:

*Be it resolved, etc.,* That said invitation is accepted.

SEC. 2. *And be it further resolved,* That the proceedings heretofore adopted by the Secretary of State in relation to the said exposition, as set forth in his report and accompanying documents concerning that subject, transmitted to both Houses of Congress with the President's message of the 11th instant, are approved.

SEC. 3. *And be it further resolved,* That the general agent for the said exposition at New York be authorized to employ such clerks as may be necessary to enable him to fulfill the requirements of the regulations of the imperial commission, not to exceed four in number, one of whom shall receive compensation at the rate of \$1,800 per annum, one at \$1,600, and two at \$1,400.

SEC. 4. *And be it further resolved,* That the Secretary of State be, and is hereby, authorized and requested to prescribe such general regulations concerning the conduct of the business relating to the part to be taken by the United States in the exposition as may be proper.

(Stat., XIV, 347.)

*July 5, 1866.*

##### *Joint resolution.*

*Be it resolved, etc.,* That in order to enable the people of the United States to participate in the advantages of the universal exhibition of the productions of agriculture, manufactures, and the fine arts, to be

held at Paris in the year 1867, the following sums or so much thereof as may be necessary for the purposes severally specified, are hereby appropriated, out of any money in the Treasury not otherwise appropriated:

First. To provide necessary furniture and fixtures for the proper exhibition of the productions of the United States, according to the plan of the imperial commissioners, in that part of the building exclusively assigned to the use of the United States, \$48,000.

Secondly. To provide additional accommodations in the park, \$25,000.

Thirdly. For the compensation of the principal agent of the exhibition in the United States, at the rate of \$2,000 a year: *Provided*, That the period of such service shall not extend beyond sixty days after the close of the exhibition, \$4,000, or so much thereof as may be found necessary.

Fourthly. For office rent at New York, for fixtures, stationery, and advertising; for rent of storehouse for reception of articles, and products; for expenses of shipping, including cartages, etc.; for freights on the articles to be exhibited from New York to France, and for compensation of four clerks, in conformity with the joint resolution approved January 15, 1866, and for contingent expenses, the sum of \$33,700, or so much thereof as may be found necessary.

Fifthly. For expenses in receiving, bonding, storage, cartage, labor, and so forth, at Havre; for railway transportation from Havre to Paris; for labor in the palace; for sweeping and sprinkling compartments for seven months; for guards and keepers for seven months; for linguists (eight men) for seven months; for storing, packing-boxes, carting, and for material for repacking; for clerk-hire, stationery, rent, and contingent expenses, the sum of \$35,703, or so much thereof as may be found necessary.

Sixthly. For the traveling expenses of ten professional and scientific commissioners, to be appointed by the President, by and with the advice and consent of the Senate, at the rate of \$1,000 each, \$10,000, it being understood that the President may appoint additional commissioners, not exceeding twenty in number, whose expenses shall not be paid; but no person interested, directly or indirectly, in any article exhibited shall be a commissioner; nor shall any member of Congress, or any person holding an appointment or office of honor or trust under the United States be appointed a commissioner, agent, or officer under this resolution.

SEC. 2. *And be it further resolved*, That the governors of the several States be, and they are hereby, requested to invite the patriotic people of their respective States to assist in the proper representation of the handiwork of our artisans, and the prolific sources of material wealth with which our land is blessed, and to take such further measures as may be necessary to diffuse a knowledge of the proposed exhibition,

Mr. HOWE. Then I move that the Senate proceed to the consideration of Senate bill 216.

Agreed to; and the bill (S. 216) to provide for the transfer of the custody of the library of the Smithsonian Institution to the Library of Congress was considered as in Committee of the Whole.

Mr. HOWE. I move to amend the bill in section 2, line 6, by inserting the words "in the recess of Congress" after the word "year," so that it will read:

That when such library shall have been so removed and deposited, the Smithsonian Institution shall have the use thereof in like manner as it is now used, and the public shall have access thereto for purposes of consultation on every ordinary week day, except during one month of each year in the recess of Congress, when it may be closed for renovation.

Agreed to.

Mr. T. A. HENDRICKS. I wish to ask the Senator from Wisconsin whether this bill contemplates the permanent transfer of these books to the Congressional Library? These books belong to the Smithsonian trust fund, which I think ought not to be diverted.

Mr. HOWE. The Senator will see, if he looks over the bill, that it does not transfer the title of the books. It is the custody of the books that is transferred to the Congressional Library for safe-keeping, as well as for the better accommodation of the public.

Mr. LYMAN TRUMBULL. I will state to the Senator from Indiana that this is a mutual arrangement entered into between the Regents of the Smithsonian Institution and the Committee on the Library, satisfactory to both parties. It is thought to be safer to have them deposited there. There is danger of them at present, as the building in which they are is not fireproof.

The bill was reported to the Senate as amended, and the amendment concurred in.

Passed.

*April 2, 1866 — House.*

On motion of Mr. RUTHERFORD B. HAYES, by unanimous consent, Senate bill to provide for the transfer of the custody of the library of the Smithsonian Institution to the Library of Congress was taken from the Speaker's table and read a first and second time.

Mr. R. B. HAYES. The Committee on the Library recommend the passage of the bill.

Passed.

*April 5, 1866.*

*Be it enacted, etc.,* That the library collected by the Smithsonian Institution under the provisions of an act approved, August 10, 1846, shall be removed from the building of said Institution, with the consent of the Regents thereof, to the new fireproof extension of the Library of Congress, upon completion of a sufficient portion thereof

for its accommodation, and shall, while there deposited, be subject to the same regulations as the Library of Congress, except as hereinafter provided.

SEC. 2. *And be it further enacted*, That when such library shall have been so removed and deposited, the Smithsonian Institution shall have the use thereof in like manner as it is now used, and the public shall have access thereto for purposes of consultation on every ordinary week day except during one month of each year, in the recess of Congress, when it may be closed for renovation. All the books, maps, and charts of the Smithsonian library shall be properly cared for and preserved in like manner as are those of the Congressional Library, from which the Smithsonian library shall not be removed except on reimbursement by the Smithsonian Institution to the Treasury of the United States of expenses incurred in binding and in taking care of the same, or upon such terms and conditions as shall be mutually agreed upon by Congress and the Regents of said Institution.

SEC. 3. *And be it further enacted*, That the Smithsonian Institution, through its secretary, shall have the use of the Library of Congress, subject to the same regulations as Senators and Representatives.

SEC. 4. *And be it further enacted*, That the Librarian of Congress shall be authorized to employ two additional assistants, who shall receive a yearly compensation of \$800, and \$1,000, respectively, commencing July 1, 1866, to be paid out of any money in the Treasury not otherwise appropriated.

SEC. 5. *And be it further enacted*, That the sum of \$500, or so much thereof as may be necessary, shall be appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses of the removal herein provided for.

(Stat., XIV, 13.)

#### CARE OF GOVERNMENT COLLECTIONS.

*April 7, 1866.*

Deficiency act for 1866, etc.

For the preservation of the collections of the exploring and surveying expeditions of the Government, \$4,000.

(Stat., XIV, 19.)

*July 28, 1866.*

Sundry civil act for 1867.

Smithsonian Institution: For the preservation of the collections of the exploring and surveying expeditions of the Government, \$4,000.

(Stat., XIV, 316.)

*February 23, 1867—House.*

The Clerk read:

For the preservation of the collections of the exploring and surveying expeditions of the Government, \$4,000.

Mr. J. W. PATTERSON. I move to amend the paragraph just read by omitting the word "four" and inserting in lieu thereof "ten," so as to increase the appropriation to \$10,000.

Agreed to.

*March 2, 1867.*

Sundry civil act for 1868.

Smithsonian Institution: For the preservation of the collections of the exploring and surveying expeditions of the Government, \$10,000. (Stat., XIV, 464.)

*March 2, 1867.*

Legislative, executive, and judicial act for 1868.

For the purchase of the Glover Museum, \$10,000. (Stat., XIV, 452.)

#### REPORT OF SMITHSONIAN INSTITUTION.

*May 7, 1866—Senate.*

Annual report for 1865 presented.

Mr. LYMAN TRUMBULL moved the printing of 5,000 extra copies.

*May 7, 1866—House.*

Annual report for 1865 presented.

Mr. J. A. GARFIELD moved that 5,000 extra copies be printed.

*May 9, 1866—Senate.*

Mr. H. B. ANTHONY, from the Committee on Printing, reported resolution:

That 5,000 additional copies of the report of the Regents of the Smithsonian Institution, for the year 1865, be printed; 2,000 for the use of the Smithsonian Institution, and 3,000 for the use of the Senate: *Provided*, That the aggregate number of pages contained in said report shall not exceed 450 pages, without woodcuts or plates, except those furnished by the Institution.

Adopted.

*June 8, 1866—House.*

Mr. A. H. LAFLIN, from the Committee on Printing, submitted resolution:

That 5,000 extra copies of the last report of the Smithsonian Institution be printed; 2,000 for the use of the Institution, and 3,000 for the use of the members of this House.

Adopted.

*February 26, 1867—Senate.*

Annual report of the Smithsonian Institution for 1866 was presented.

Mr. L. TRUMBULL moved that 5,000 extra copies be printed.

*February 27, 1867—House.*

Annual report for 1866 presented.

Mr. J. A. GARFIELD moved that 5,000 extra copies be printed.

*February 28, 1867—House.*

Mr. A. H. LAFLIN, from the Committee on Printing, offered resolution:

That 5,000 additional copies of the last report of the Smithsonian Institution be printed; 2,000 for the use of the Smithsonian Institution, and 3,000 for the use of the members of this House; and that the same be stereotyped.

Adopted.

*March 1, 1867—Senate.*

Mr. H. B. ANTHONY, from the Committee on Printing, offered resolution:

That 5,000 additional copies of the report of the Smithsonian Institution, for the year 1866, be printed; 2,000 for the use of the Smithsonian Institution, and 3,000 for the use of the Senate; and that said report be stereotyped: *Provided*, That the aggregate number of pages contained in said report shall not exceed 450, without woodcuts or plates, except those furnished by the Institution.

Agreed to.

#### EXPLORING EXPEDITION.

*July 26, 1866.*

*Resolved, etc.*, That the Joint Committee on the Library be authorized and instructed to grant to the Navy Department the use of such of the engraved plates of the United States Exploring Expedition under Captain Wilkes, now in charge of said committee, as may be desired for the purpose of printing a supply of charts for the use of said Department.

(Stat., XIV, 366.)

#### AMENDMENT TO ACT OF ORGANIZATION OF SMITHSONIAN INSTITUTION.

*February 1, 1867—House.*

The following memorial was presented to Congress:

*To the honorable the Senate and House of Representatives, etc.:*

The Board of Regents of the Smithsonian Institution have directed the undersigned to transmit to your honorable body the resolution herewith appended, and to solicit the passage of an act in accordance therewith.

It is known to your honorable body that the original sum received into the United States Treasury from the bequest of James Smithson, of England, was \$515,169, which was considered a trust fund, the interest alone to be applied to carrying out the purpose of the testator, viz, "The increase and diffusion of knowledge among men."

This, however, was not the whole of the Smithsonian bequest, the sum of £5,015 having been left by Hon. R. Rush, the agent of the United States, as the principal of an annuity to the mother of the nephew of Smithson.

The annuitant having died, the sum of \$26,210.63 has been received from this source, and is now in charge of the Secretary of the Treasury of the United States;

and no provision having been made in the act of August 10, 1846, establishing the Institution, for the disposition of this remainder of the legacy, your memorialists, in behalf of the Board of Regents, now ask that it be added to the original bequest on the same terms, and that the increase which has arisen from interest or otherwise on the sum before mentioned, also in the hands of the Treasury Department of the United States, be transferred to the Board of Regents for assisting to defray the expense of the reconstruction of the building and for other objects of the Institution.

And your memorialists would further ask that the Board of Regents be allowed to place in the Treasury of the United States, on the same terms as the original bequest, such sums of money as may accrue from savings of income and from other sources, provided the whole amount thus received into the Treasury shall not exceed \$1,000,000.

The sole object of this request is the permanent investment and perpetual security of the entire Smithsonian bequest and such other sums as may be accumulated from savings of accrued interest, legacies, etc.

And your memorialists will ever pray, etc.

S. P. CHASE,

*Chancellor.*

JOSEPH HENRY,

*Secretary Smithsonian Institution.*

*Resolved, etc.,* That an application be made to Congress for an act authorizing the Treasurer of the United States to receive into the Treasury, on the same terms as the original bequest, the residuary legacy of James Smithson, now in United States bonds in the hands of said Treasurer, namely, \$26,210.63, together with such other sums as the Regents may from time to time see fit to deposit, not exceeding, with the original bequest, the sum of \$1,000,000; and that the income which has accrued or may accrue from said residuary legacy be applied in the same manner as the interest on the original bequest.

Mr. J. W. PATTERSON introduced bill:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to receive into the Treasury, on the same terms as the original bequest, the residuary legacy of James Smithson, now in United States bonds in the hands of said Secretary, namely, twenty-six thousand two hundred and ten dollars and sixty-three cents, together with such other sums as the Regents may from time to time see fit to deposit, not exceeding, with the original bequest, the sum of one million dollars.

SEC. 2. *And be it further enacted,* That the increase which has accrued, or which may hereafter accrue, from said residuary legacy shall be applied by the Board of Regents of the Smithsonian Institution in the same manner as the interest on the original bequest, in accordance with the provisions of the act of August tenth, eighteen hundred and forty-six, establishing said Institution.

Passed.

*February 1, 1867—Senate.*

Mr. W. P. FESSENDEN. There is a little bill on the table (House, February 1, 1867) which has come in from the House that I should like very much to take up and have passed if no Senator has any objection to it, because it is rather necessary that it should be passed at once, if at all. It relates to the funds of the Smithsonian Institution, and the Regents of that Institution are now in session in this city and would like, probably, to take some action under the bill. It is

very short, and if there be no objection I should like to have it taken up and acted upon. I have examined it and do not see any objection to it.

Mr. JOHN SHERMAN. I should like to inquire where the fund has been heretofore. Has it been in the Treasury?

Mr. FESSENDEN. No, sir; it has been in the hands of the Secretary. Under the bequest of Smithson there was a sum that was to come to the Institution upon the death of a certain person, and that person died just about the time I happened to be in the Treasury, and therefore I know the facts. This bill simply provides that this money shall be paid into the Treasury and disposed of precisely in accordance with the original act with regard to the disposal of Smithson's bequest.

Mr. SHERMAN. I have no objection to it at all.

The bill was reported without amendment and passed.

*February 8, 1867.*

An act to receive into the Treasury the residuary legacy of James Smithson, etc.

*Be it enacted etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to receive into the Treasury, on the same terms as the original bequest, the residuary legacy of James Smithson, now in United States bonds, in the hands of said Secretary, namely: \$26,210.63, together with such other sums as the Regents may from time to time see fit to deposit, not exceeding, with the original bequest the sum of \$1,000,000.

SEC. 2. *And be it further enacted,* That the increase which has accrued, or which may hereafter accrue, from said residuary legacy, shall be applied by the Board of Regents of the Smithsonian Institution in the same manner as the interest on the original bequest, in accordance with the provisions of the act of August 10, 1846, establishing said Institution.

(Stat.; XIV, 391.)

#### INTERNATIONAL EXCHANGES.

*February 26, 1867—Senate.*

Senate resolution to provide for the exchange of certain documents with foreign countries passed:

That fifty copies of all documents hereafter printed by order of either House of Congress, and fifty copies additional of all documents printed in excess of the usual number, together with fifty copies of each publication issued by any Department or Bureau of the Government, be placed at the disposal of the Joint Committee on the Library, who shall exchange the same, through the agency of the Smithsonian Institution, for such works published in foreign countries, and especially by foreign governments, as may be deemed by said committee an equivalent; said works to be deposited in the Library of Congress.

*March 2, 1867—House.*

The House rejected the joint resolution of the Senate providing for the exchange of public documents. Subsequently, on motion of Mr.

A. H. Laflin, the House reconsidered its action and passed the resolution.

*March 2, 1867.*

*Resolved, etc.,* That fifty copies of all documents hereafter printed by order of either House of Congress, and fifty copies additional of all documents printed in excess of the usual number, together with fifty copies of each publication issued by any department or bureau of the Government, be placed at the disposal of the Joint Committee on the Library, who shall exchange the same, through the agency of the Smithsonian Institution, for such works published in foreign countries, and especially by foreign governments, as may be deemed by said committee an equivalent; said works to be deposited in the Library of Congress.

(Stat., XIV, 573.)

#### APPOINTMENT OF REGENTS

*By the Speaker.*

*March 7, 1867—House.*

The Speaker (Mr. SCHUYLER COLFAX) appointed Luke P. Poland, of Vermont, a Regent of the Smithsonian Institution, to fill the vacancy occasioned by the election of J. W. Patterson to the United States Senate.

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### FORTIETH CONGRESS, 1867-1869.

#### EXPOSITIONS.

*Paris Universal Exhibition.*

*March 12, 1867.*

*Resolved, etc.* 1. That the commission of the United States at the Universal Exhibition to be held at Paris in the year 1867 shall consist of the commissioner-general and honorary commissioner, whose appointment was approved by the joint resolution of January 22 [15], 1866; also of the thirty commissioners whose appointment was provided for by the joint resolution of July 5, 1866, and of twenty commissioners whose appointment is hereinafter provided for.

2. That the commissioner-general shall be the president of the commission thus constituted, with a vote on all questions that may arise.

3. That the commission shall meet at Paris as early as possible before the opening of the exhibition, upon the call of the commissioner-general, and, when properly organized, shall make such rules and regulations as may be necessary for efficient action, with power to elect a vice-president from their own number, who, in the absence of

the commissioner-general, shall preside at all meetings of the commission, and to appoint committees and chairmen of groups.

4. That the commission may designate additional persons, not exceeding twenty in number, being citizens of the United States, known to be skilled in any branch of industry or art, who are hereby authorized to attend the exhibition in behalf of the United States, as honorary commissioners without compensation.

5. That the commission may employ a secretary and clerks for the commission, the necessary scientific assistants and draftsmen, and may engage suitable rooms for the commission.

6. That no commissioner shall act as agent for the show or sale of any article at the exhibition, or be interested, directly or indirectly, in any profits from any such article.

SEC. 2. *And be it further resolved*, That \$50,000, or so much thereof as may be necessary for the purposes severally specified, are hereby appropriated out of any moneys in the Treasury not otherwise appropriated:

For additional freights from New York to Havre.

For transportation and freights from Havre to Paris.

For return freight of articles owned by the United States or lent to the Government by individuals.

For marine and fire insurance on the articles thus lent.

For additional steam power at Paris, in the "palace" and the "annex," or supplemental building, and in grounds adjacent.

For the exhibition of machines, agricultural and other, and for the erection of buildings to illustrate the education and agriculture of the United States, and for the collection of specimens of agricultural productions, under the joint resolution for that purpose.

For the necessary expense of collecting, classifying, labeling, and packing mineralogical and metallurgical specimens, to complete the exhibition of the mineral wealth of the United States.

For the necessary expense of laborers and extra service in the offices at Paris and New York, and for the expenses of a secretary, clerks, scientific assistants and draftsmen, rooms, and other incidental expenses of the commission.

SEC. 3. *And be it further resolved*, That it shall be the duty of the general agent at New York, and of the commissioner-general at Paris, to transmit to Congress, through the Department of State, a detailed statement of the manner in which the expenditures herein authorized are made by them respectively.

(Stat., XV. 19.)

#### *Havre International Maritime Exhibition.*

*March 12, 1868.*

*Resolved, etc.*, That the Secretary of the Navy be authorized to detail one or more officers of the Navy, as he shall think best, to be

present at the International Maritime Exhibition, to be held at Havre, under the auspices of the French Government, from June 1 to October 31, of the present year, there to represent the United States, and otherwise promote the interests of exhibitors from our country: *Provided*, That no expenditure shall accrue therefrom to the Treasury, or to any public fund, nor shall any mileage or other expenses, or any additional compensation be paid to such persons as may be designated under authority of this resolution, nor shall any national or public vessel be employed to convey the officers so detailed to or from the place of such exhibition.

(Stat., XV, 249.)

#### APPOINTMENT OF REGENTS

*By the Speaker.*

*January 7, 1868—House.*

The Speaker (Mr. SCHUYLER COLFAX) announced the appointment, as Regents of the Smithsonian Institution, of Jas. A. Garfield, of Ohio, L. P. Poland, of Vermont, and J. V. L. Pruyn, of New York.

#### APPOINTMENT OF REGENTS

*By Joint Resolution.*

*January 6, 1868—Senate.*

Mr. L. TRUMBULL offered resolution:

That the vacancies in the Board of Regents of the Smithsonian Institution of the class "other than members of Congress" be filled by the appointment of Theodore D. Woolsey, of Connecticut; William B. Astor, of New York; John Maclean, of New Jersey, and Peter Parker, of the city of Washington.

*January 7, 1868—Senate.*

The resolution to appoint Regents was adopted.

*January 7, 1868—House.*

On motion of Mr. J. A. GARFIELD the Senate resolution of January 7, to appoint Regents, was adopted.

*January 11, 1868.*

*Resolved, etc.,* That the vacancies in the Board of Regents of the Smithsonian Institution of the class "other than members of Congress" be filled by the appointment of Theodore D. Woolsey of Connecticut, William B. Astor of New York, John Maclean of New Jersey, and Peter Parker of the city of Washington.

(Stat., XV, 246.)

*January 22, 1869—Senate.*

Mr. HENRY WILSON offered resolution:

That Louis Agassiz, of Cambridge, Massachusetts, be, and he is hereby, reappointed a Regent of the Smithsonian Institution to fill the vacancy occasioned by the expiration of his present term.

Adopted.

*March 2, 1869—House.*

Joint resolution reappointing Louis Agassiz a Regent of the Smithsonian Institution, passed.

*March 3, 1869.*

*Resolved, etc.,* That Louis Agassiz, of Cambridge, Massachusetts, be, and he is hereby, reappointed a Regent of the Smithsonian Institution to fill the vacancy occasioned by the expiration of his present term. (Stat., XV, 349.)

#### CARE OF GOVERNMENT COLLECTIONS.

*February 27, 1868—House.*

The civil appropriation bill being under consideration, the clerk read :

Smithsonian Institution: "For the preservation of the collections of the exploring and surveying expeditions of the Government, \$1,000."

Mr. L. P. POLAND. I move to amend the paragraph just read by striking out "\$1,000" and inserting "\$6,000." I apprehend that the Committee on Appropriations had not, probably, looked into the history of this annual appropriation to the Smithsonian Institution for taking care of these collections of the Government when they concluded to report this sum. These collections were kept in the Patent Office building up to 1857, and were then much smaller than they are now. An annual appropriation of \$4,000 for the purpose of taking care of these collections was made from 1842 to 1857. In 1857 the room occupied for that purpose in the Patent Office building was needed for other purposes, for models, etc., and these collections were then removed to the Smithsonian building, where they have since been kept. An annual appropriation of \$4,000 for their preservation was made from 1857 to last year, when the sum was increased to \$10,000. These collections have been very largely increased; they have been doubled; in fact, they have been quadrupled since they were removed to the Smithsonian building, and the expense of taking care of them has been very largely increased in consequence of the general increase of the prices of labor, fuel, and everything that goes to make up that expense. Even if the amount of labor had not been increased in consequence of the increase of the collections, the appropriation, which from 1842 to 1866 was \$4,000, ought to be increased to at least \$6,000.

The fund of the Smithsonian Institution, whatever it may be, is a fixed sum, and in consequence of the great increase in the prices of everything, it is not now worth more than half as much to the Institution as it was formerly. A very large portion of the income from the fund for the Institution for the last two years has had to be expended in refitting and repairing the building, rendered necessary

by the destructive and ruinous fire that occurred there in 1865. It seems to me there can be no question but what the appropriation for this purpose should be at least \$6,000.

Mr. CHARLES UPSON. Who has the disbursing of this money, and what account is ever rendered to anyone of the manner in which it was expended?

Mr. POLAND. It is disbursed under the care of Professor Henry, one of the most prudent men in the country, and it is all reviewed by the Board of Regents.

Mr. E. B. WASHBURNE, of Illinois. The Committee on Appropriations thought that \$1,000 a year was about as much as the people of this country desire to pay to preserve the collections of the exploring and surveying expeditions of the Government. The amount appropriated heretofore has been much larger, as the gentleman from Vermont [Mr. Poland] has said. I had a conversation this morning with Professor Henry, who stated to me how this appropriation was to be used. From what he told me I am willing to admit that there should be appropriated a much larger sum than the committee have reported in this bill, though not so much as \$6,000, as the gentleman from Vermont has proposed. The Professor himself expressed himself satisfied with \$4,000, the usual annual appropriation for this purpose.

Mr. POLAND. It may be true that Professor Henry did not desire to have the friends of the Smithsonian Institution to get into a controversy with the gentleman from Illinois [Mr. Washburne], for he knew too well how much was involved in that; and "to buy his peace," as lawyers say, he agreed to take \$4,000 instead of asking for \$6,000. He tells me, and I have no doubt tells the gentleman, that \$6,000 is needed, and that he ought to have it.

Mr. WASHBURNE, of Illinois. I understood that he would be entirely satisfied with \$4,000; and I will say that instead of losing anything by any controversy with me he would certainly obtain an additional amount here by getting into any such controversy. Will the gentleman from Vermont [Mr. Poland] consent to modify the amendment by making the amount \$4,000?

Mr. POLAND. No, sir.

Mr. J. V. L. PRUYN. Mr. Chairman, I move pro forma to amend the amendment by making the amount \$7,500. I am prepared to corroborate in all substantial particulars the statement made by the gentleman from Vermont [Mr. Poland]. It is quite impossible that these collections can be taken care of for a less sum than five or six thousand dollars. They occupy the large hall of the Smithsonian Institution, the best part of the whole building. The rent of such a room anywhere else in this city would cost as much as the appropriation asked for. If the gentleman from Illinois will agree to an appropriation of \$5,000, I will modify my amendment so as to name that sum.

Mr. WASHBURNE, of Illinois. No, sir; \$4,000 is the usual appropriation, and I see no reason why, in the present condition of our finances, we should increase it.

Mr. PRUYN. I withdraw my amendment; but I hope the committee will agree to vote at least \$6,000 for this purpose.

Mr. LEWIS SELYE. Mr. Chairman, I rise to oppose the amendment. I would like to know of what this Institution consists. I would like the gentleman from New York [Mr. Pruyn] or the gentleman from Vermont [Mr. Poland] to tell us how many of his constituents ever saw this Institution or ever will see it or ever want to see it? It is enough to make any man or woman sick to visit that Institution. No one can expect to get any benefit from it. I am opposed, sir, to taxing my constituents \$7,000 a year to keep up any such institution.

Mr. POLAND. In accordance with what seems to be the wish of gentlemen around me, I modify my amendment so as to make the amount \$5,000.

On the amendment of Mr. Poland as modified there were—ayes 50, noes 53.

Mr. POLAND called for tellers.

Tellers were ordered, and Mr. R. P. Spalding and Mr. L. Selye were appointed.

The committee divided, and the tellers reported—ayes 40, noes 55.

Amendment not agreed to.

Mr. GINERY TWICHELL. I move to amend by striking out “one” and inserting “four,” so as to make the paragraph read:

For the preservation of the collections of the exploring and surveying expeditions of the Government, \$4,000.

Agreed to.

*May 1, 1868—House.*

The Speaker (Mr. S. COLFAX) laid before the House a communication from the Board of Regents of the Smithsonian Institution.

On motion of Mr. J. A. Garfield, referred to the Committee on Appropriations and ordered to be printed:

*To the honorable the Senate and House of Representatives, etc.:*

In behalf of the Board of Regents of the Smithsonian Institution, the undersigned beg leave respectfully to submit to your honorable body the following statement, and to solicit such action in regard to it as may be deemed just and proper.

The act of Congress organizing the Institution ordered the erection of a building which should accommodate, on a liberal scale, besides a library and a gallery of art, a museum, consisting of all the specimens of natural history, geology, and art which then belonged to the Government, or which might thereafter come into its possession by exchange or otherwise. Although the majority of the Regents did not consider the maintenance of these objects to be in accordance with the intention of Smithson, as inferred from a strict interpretation of the terms of his will, yet in obedience to the commands of Congress they proceeded to erect a building of the necessary dimensions and to take charge of the Government collections.

The erection and maintenance of so large and expensive an edifice, involving an outlay of \$450,000, and the charge of the Government museum have proved a grievous burden on the Institution, increasing from year to year, which, had not its effects been counteracted by a judicious management of the funds, would have paralyzed the legitimate operations of the establishment and frustrated the evident intention of Smithson.

It is true that Congress, at the time the specimens were transferred to the Institution, granted an appropriation of \$4,000 for their care and preservation, that being the equivalent of the estimated cost of the maintenance of these collections in the Patent Office, where they had previously been exhibited. But this sum, from the rise in prices and the expansion of the museum by the specimens obtained from about fifty exploring expeditions ordered by Congress, scarcely more than defrays, at the present time, one-third of the annual expense. In this estimate no account is taken of the rent of the part of the building devoted to the museum of the Government, which at a moderate estimate would be \$20,000 per annum.

Besides the large expenditure which has already been made on the building, at least \$50,000 more will be required to finish the large hall in the second story, necessary for the full display of the specimens of the Government. But the Regents do not think it judicious further to embarrass the active operations for several years to come by devoting a large part of the income to this object, and have, therefore, concluded to allow this room to remain unfinished until other means are provided for completing it.

It is not by its castellated building nor the exhibition of the museum of the Government that the Institution has achieved its present reputation, nor by the collection and display of material objects of any kind that it has vindicated the intelligence and good faith of the Government in the administration of the trust. It is by its explorations, its researches, its publications, its distribution of specimens, and its exchanges, constituting it an active, living organization, that it has rendered itself favorably known in every part of the civilized world, has made contributions to almost every branch of science, and brought more than ever before into immediate and friendly relations the Old and the New Worlds.

A central museum for a complete representation of the products of America, with such foreign specimens as may be required for comparison and generalization, is of great importance, particularly as a means of developing and illustrating our industrial resources, as well as of facilitating the study of the relations of our geology, mineralogy, flora, and fauna to those of the Old World. But the benefit of such an establishment is principally confined to this country, and does not partake of the cosmopolitan character of an institution such as Smithson intended to found, and therefore ought not to be supported from his bequest.

The Board of Regents are confident that upon a full consideration of the case your honorable body will grant an adequate support for the collections of the Government, and also an appropriation for finishing the repairs of the building, and eventually, when the financial condition of the country will permit, for the independent maintenance of a national museum.

It may not be improper, in addition to what has been said, to recall the fact that the Smithsonian Institution has transferred, without cost, to the library of Congress one of the most valuable and complete collections of the transactions of scientific and learned societies and serial publications in existence, consisting of at least 50,000 works, which, with the annual continuation of the same series, must render Washington a center of scientific knowledge and the library itself worthy of the nation; and that it has also presented to the Government its valuable collection of specimens of art illustrating the history of engraving from the earliest periods. It is prepared to render a similar service to a national museum by the exchanges from

foreign museums to which it has been a liberal contributor, and which may be obtained as soon as means are provided for their transportation and accommodation.

It may also be mentioned that the Institution has rendered important service to the Government through the scientific investigations it has made in connection with the operations of the different departments, and it is not too much to say that through the labors of its officers it has been the means of saving millions of dollars to the National Treasury.

In conclusion, your memorialists beg leave to represent on behalf of the Board of Regents that the usual annual appropriation of \$4,000 is wholly inadequate to the cost of preparing, preserving, and exhibiting the specimens, the actual expenditure for that purpose in 1867 having been over \$12,000, and they take the liberty of respectfully urging on your honorable body the expediency of increasing it to \$10,000, and that a further sum of \$25,000 be appropriated at this session of Congress toward the completion of the hall required for the Government collections.

And your memorialists will ever pray, etc.

S. P. CHASE,  
*Chancellor Smithsonian Institution.*  
JOSEPH HENRY,  
*Secretary Smithsonian Institution.*

*May 2, 1868—Senate.*

The President pro tempore (Mr. B. F. WADE) laid before the Senate a communication from the Board of Regents of the Smithsonian Institution.

Referred to the Committee on Appropriations, and ordered to be printed. (See House, May 1, 1868.)

*July 20, 1868.*

Sundry civil act for 1869.

Smithsonian Institution: For the preservation of the collections of the exploring and surveying expeditions of the Government, \$4,000. (Stat., XV, 115.)

*March 1, 1869—House.*

The miscellaneous appropriation bill being under consideration, an amendment was read:

For the preservation of the collections of the exploring and surveying expeditions of the Government, \$4,000.

Mr. J. A. GARFIELD. I move to amend this paragraph by striking out "\$4,000" and inserting "\$10,000." And I wish briefly to call the attention of the Committee of the Whole to the facts upon which I base my motion.

In 1846, when the Smithsonian Institution was founded, the Government of the United States, by a law of Congress, transferred to that Institution all the articles now belonging to the museum which the Government then owned. At that time it was costing \$4,000 a year to take care of and preserve those articles. Since then a great number of exploring expeditions have been sent out by the Government and large additions have been made to the museum, and the actual cost of taking care of and keeping the articles which the Government

now owns amounts to more than \$10,000 a year. Having imposed this duty upon the Smithsonian Institution, it is wrong for the Government to ask that Institution to pay \$6,000 out of its own fund—donated by a foreigner to the cause of science in this country—for the care, preservation, and custody of Government property, to say nothing of the use of the building for that purpose.

Mr. HORACE MAYNARD. What are the items of the expenditure for that purpose? It certainly is not all for personal supervision.

Mr. GARFIELD. Only so far as the Board of Regents have to employ persons to take care of and watch that these things are properly guarded. I have here a memorial of the Board of Regents, of which I am a member. It is signed by the Chancellor of the Institution, Chief Justice Chase, and by the Secretary of the Institution, Professor Henry. Accompanying that is a detailed statement of the expenses of the National Museum for the year 1868. I ask the attention of members to these papers.

[See proceedings of May 1, 1868.]

The following is a statement of the expense of the National Museum for the year 1868:

Glass for cases.....	\$154. 33
Carbolic acid, insect power, and arsenic.....	72. 85
Glass bottles and jars.....	96. 68
Trays.....	180. 01
Wrapping paper.....	63. 90
Benzine, paint, oil, varnish, putty, brushes .....	201. 87
Saucers for nests and eggs.....	22. 30
Stationery, index books, and blanks.....	123. 57
Labels for specimens.....	208. 04
Locks, keys, handles, funnels, measures, tools, cans, etc .....	185. 05
Paper and poison for plants.....	347. 20
Numbers and labels for minerals .....	94. 41
Examination, cleaning, assorting, and labeling shells.....	1, 168. 95
Books for labeling specimens .....	430. 47
Tow for stuffing large animals (bears) .....	24. 90
Artificial eyes for birds, etc.....	35. 95
Packing boxes .....	50. 40
Alcohol.....	400. 00
Mounting birds, beaver, etc.....	195. 50
Freight on collections.....	1, 200. 00
Walnut cases for specimens .....	1, 100. 00
Heating room for collections .....	500. 00
Assistants—one at \$2,500, one at \$600, one at \$500, and one at \$300 ....	3, 900. 00
Laborers and watchmen—one at \$840, one at \$660, one at \$600, one at \$312, and one at \$312.....	2, 724. 00
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In addition to the foregoing, \$125,000 have been expended since the fire in 1865 on that part of the building required for the accommoda-

tion of the museum, the interest on which, at 6 per cent, would be \$7,500 annually.

The bequest to found this Institution was from a foreigner who never visited the United States. He bequeathed his fortune with unre-served confidence to our Government for the advancement of science, to which he had devoted his own life. The sacredness of the trust is enhanced from the fact that it was accepted after the death of him by whom it was confided. The only indications of his intentions which we possess are expressed in the terms of his will. It therefore became of the first importance that the import of these terms should be critically analyzed and the logical inference from them faithfully observed. The whole is contained in these few and explicit words:

To found at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men.

These terms have a strictly scientific import, and are susceptible of a series of definite propositions.

First. The bequest is for the benefit of mankind; not to be confined to one country, to one race, but to all men of all complexions.

Second. The objects of the Institution are primarily to increase, and secondly to diffuse, knowledge among men, and these objects should not be confounded with each other.

The will makes no restriction of any kind of knowledge, hence every branch of science capable of advancement is entitled to a share of attention.

Though the terms of the will are explicit and convey precise scientific ideas to those who are acquainted with their technical significance, yet to the public generally they might seem to admit of a greater latitude of construction than has been put upon them. It is, therefore, not surprising that at the commencement improper conceptions of the nature of the bequest should have been entertained, or that Congress in the act of organization should direct the prosecution of objects incompatible with the strict interpretation of it or to impose burdens upon the Institution tending materially to affect its usefulness.

The principal of such burdens was the direction to provide a building on an ample scale to make provision for the accommodation of the collections of Government, consisting of all the specimens of nature and art then in the city of Washington or that might hereafter become the property of the Government, by exchange or otherwise.

Though the majority of the Board of Regents did not consider the expenditure of a large amount of the income on this subject in accordance with the will of Smithson, they could not refuse to obey the injunction of Congress, and proceeded to erect an extended building and to take charge of the museum of the Government. The cost of this building, which at first was \$325,000, has been increased by the

reparation of damages caused by the fire to \$450,000, the whole of which has been defrayed from the annual income. Notwithstanding this burden the Institution has achieved a reputation as wide as the civilized world, has advanced almost every branch of knowledge, and presented books and specimens to hundreds of institutions and societies in this country and abroad.

It is not a mere statical establishment, as many may suppose, supporting a corps of individuals whose only duty is the exhibition of the articles of the show museum, but a living, active organization that has by its publications, researches, explorations, distribution of specimens and exchanges vindicated the intelligence and good faith of the Government in administering a fund intended for the good of the whole community of civilized men. It has at the same time collected a library, principally of the transactions and proceedings of learned societies, the most perfect one of the kind in the world, consisting of 50,000 works; also a collection of engravings illustrative of the progress and early history of the arts, both of which it has transferred to the Library of Congress. It is not alone the present value of the books which it has placed in the possession of the Government, but also that of the perpetual continuation of the several series contained therein.

The Institution has continued to render important service to the Government from its first organization until the present time by examining and reporting on scientific questions pertaining to the operations of the different departments, and in this way, particularly during the war, it is not too much to say that it has saved the United States many millions of dollars.

Let me say one word more before leaving this subject. As I have shown the real purpose of the donation of Smithson, which the Board of Regents have tried to promote as well as as they could, was to extend and circulate means of scientific information, and the management of the Institution has always resisted the tendency to keep up and increase this museum at the expense of this fund.

Recently the Institution has given over to the Library of Congress a collection of 50,000 volumes, constituting probably the most perfect scientific library in the world. But we are still charged as an Institution with the cost of this rapidly increasing museum. Now, the Regents would be glad if Congress would take this museum off their hands and provide otherwise for the care of it. It is a charge imposed upon the Institution by law, a charge which it never sought and is not desirous to retain. At the time when this museum was first placed in the custody of the Institution it cost but \$4,000 a year to keep it in the Patent Office. Now the care of that museum costs three times that amount. I hope, therefore, that the committee will vote \$10,000 instead of \$4,000 for this purpose.

Mr. R. P. SPALDING. Mr. Chairman, I am very sorry to find the Smithsonian Institution among the leeches that are all the while crying to the Treasury of the United States, "Give, give!" The Smithsonian is a wealthy Institution. The Government of the United States is continually paying it gold interest on the large fund belonging to the Institution; but the Institution is not willing to bear this little additional expense, as it is called, from its own means, but wishes to obtain the money from the public Treasury. The men who pay the taxes must contribute the additional sum to this wealthy Institution.

Sir, we have loaned to that Institution the National Museum. We have paid the Institution for a series of years \$4,000 annually in cash for taking care of that museum. The Institution has been content with that sum heretofore; but now it comes in and asks an appropriation of \$10,000 for this purpose. Sir, we had better take away the museum from the care of that Institution. I had almost said we had better throw it into the Potomac than be constantly paying these increased demands from the Smithsonian Institution. That is the light in which the committee have viewed the subject; and in that light they protest against this increase.

Amendment not agreed to.

*March 3, 1869.*

Sundry civil act for 1870.

Smithsonian Institution: For the preservation of the collections of the exploring and surveying expeditions of the Government, \$4,000. (Stat., XV, 307.)

#### EXPLORING EXPEDITION.

*February 28, 1868.*

*Resolved, etc.,* That the Librarian of Congress be, and is hereby, directed to deliver to the Secretary of State a set of Dana's Crustacea, being volumes 13 and 14 of the narrative of the exploring expedition under Captain Wilkes; and that the Secretary of State is hereby directed to deliver them to the Government of Great Britain.

(Stat., XV, 248.)

#### REPORT OF SMITHSONIAN INSTITUTION.

*May 29, 1868—Senate.*

Annual report for 1867 was presented.

Mr. L. TRUMBULL moved to print 5,000 extra copies.

*May 29, 1868—House.*

Annual report for 1867 presented.

Mr. J. A. GARFIELD moved to print 5,000 extra copies.

*May 30, 1868—Senate.*

Mr. H. B. ANTHONY, from the Committee on Printing, reported resolution:

That 5,000 additional copies of the report of the Smithsonian Institution for the year 1867 be printed; 3,000 for the use of the Senate and 2,000 for the use of the

Smithsonian Institution, and that the said report be stereotyped: *Provided*, That the aggregate number of pages of said report shall not exceed 450, without illustrations, except those furnished by the Smithsonian Institution.

Adopted.

*June 5, 1868—House.*

Mr. A. H. LAFLIN, from the Committee on Printing, reported resolution:

That there be printed 5,000 extra copies of the report of the Smithsonian Institution; 3,000 for the use of the House and 2,000 for the Institution; the same to be stereotyped, at the expense heretofore provided for.

Adopted.

*February 13, 1869—Senate.*

Annual report for 1868 presented and ordered to be printed.

Mr. W. P. FESSENDEN offered a resolution to have additional copies printed.

*February 13, 1869—House.*

Annual report of Smithsonian Institution for 1868 presented and ordered to be printed.

Mr. J. V. L. PRUYN offered a resolution to have 5,000 extra copies printed.

Mr. E. C. INGERSOLL moved to increase the number of extra copies to 10,000, on account of the value of the document.

*February 27, 1869—House.*

Mr. A. H. LAFLIN, from the Committee on Printing, reported resolution:

*Resolved*, That there be printed 5,000 extra copies of the report of the Smithsonian Institution; 3,000 for the use of the House, and 2,000 for the use of the Institution; the same to be stereotyped, at the expense heretofore provided for.

Adopted.

*March 1, 1869—Senate.*

Mr. H. B. ANTHONY, from the Committee on Printing, reported resolution:

*Resolved*, That 5,000 copies of the report of the Smithsonian Institution for the year 1868 be printed; 3,000 for the use of the Senate, and 2,000 for the use of the Institution; and that said report be stereotyped: *Provided*, That the aggregate number of pages of said report shall not exceed 450, without illustrations, except those furnished by the Institution.

Adopted.

#### POWELL'S EXPLORATION.

*June 11, 1868.*

*Be it resolved, etc.*, That the Secretary of War be, and he is hereby, authorized and empowered to issue rations for twenty-five men of the expedition engaged in the exploration of the River Colorado, under direction of Professor Powell, while engaged in that work: *Provided*, That such issue is not detrimental to the interests of the military service.

(Stat., XV, 253.)

## WASHINGTON CANAL.

*June 16, 1868.—Senate.*

Mr. JAMES HARLAN presented a report of the executive committee of the Regents of the Smithsonian Institution, on the influences of the Washington city canal on the health of the population of the city. Referred to the Committee on the District of Columbia and ordered to be printed.

(See Smithsonian report for 1868, p. 111, and Senate Mis. Doc. No. 95, 40th Congress, 2d Sess.)

## SMITHSON FUND.

*July 20, 1868.*

Sundry civil act for 1869.

To pay William H. West for services rendered for taking care of and keeping safely the bonds held in trust by the Secretary of the Treasury for the benefit of the Smithsonian Institution, from March 1, 1850, to July 1, 1863, \$2,500, to be paid out of the Smithsonian fund.

(Stat., XV, 118.)

## INTERNATIONAL EXCHANGES.

*July 20, 1868.*

Sundry civil act for 1869.

Library of Congress: For the expenses of exchanging public documents for the publications of foreign governments, as provided by resolution approved March 2, 1867, \$1,500.

(Stat., XV, 95.)

*July 25, 1868.*

*Resolved, etc.,* That the Congressional Printer, whenever he shall be so directed by the Joint Committee on the Library, he, and he hereby is, directed to print fifty copies in addition to the regular number, of all documents hereafter printed by order of either House of Congress, or by order of any Department or bureau of the Government, and whenever he shall be so directed by the Joint Committee on the Library, one hundred copies additional of all documents ordered to be printed, in excess of the usual number; said fifty or one hundred copies to be delivered to the Librarian of Congress, to be exchanged, under direction of the Joint Committee on the Library, as provided by joint resolution approved March 2, 1867.

SEC. 2. *And be it further resolved,* That fifty copies of each publication printed under direction of any Department or bureau of the Government, whether at the Congressional Printing Office or elsewhere, shall be placed at the disposal of the Joint Committee on the Library, to carry out the provisions of said resolution.

(Stat., XV, 260.)

INTERNATIONAL EXCHANGES.

March 3, 1869.

Legislative, executive, and judicial act for 1870.

Library of Congress: For expenses of exchanging public documents for the publications of foreign governments, \$1,500.

(Stat., XV, 286.)

FORTY-FIRST CONGRESS, 1869-1871.

APPOINTMENT OF REGENTS

*By the Vice-President.*

January 18, 1870—Senate.

On motion of Mr. LYMAN TRUMBULL, that the vacancy in the Board of Regents of the Smithsonian Institution, caused by the death of W. P. Fessenden, be filled, the Vice-President (Mr. Schuyler Colfax) appointed Hannibal Hamlin a Regent.

APPOINTMENT OF REGENTS

*By the Speaker.*

February 2, 1870—House.

The Speaker (Mr. J. G. BLAINE) announced the appointment of the following Regents of the Smithsonian Institution: Luke P. Poland, James A. Garfield, Samuel S. Cox.

APPOINTMENT OF REGENTS

*By Joint Resolution.*

January 26, 1871—Senate.

A letter of resignation as Regent of the Smithsonian Institution from Gen. Richard Delafield was read:

WASHINGTON, D. C., January 25, 1871.

SIR: The period of six years for which I was appointed a Regent of the Smithsonian Institution under a joint resolution of the Senate and House of Representatives expires in February.

I believe the welfare and the best interest of the Institution may be subserved by tendering my resignation of this trust and responsibility at the present date, that the Board of Regents and Congress may have the necessary time to appoint my successor and enable him to attend the annual meeting of the Board of Regents now about to take place.

I have requested Hon. J. A. Garfield to present my resignation as a Regent to the board at its first meeting, and, should the occasion require, request you will state the fact to the Senate of my having tendered my resignation for the reasons herein stated.

Respectfully, your obedient servant,

RICHARD DELAFIELD,  
*Brigadier-General U. S. A. (retired).*

Hon. SCHUYLER COLFAX, *Vice-President of the U. S.,  
Member of the Board of Regents of the Smithsonian Institution.*

*January 27, 1871—Senate.*

Mr. H. HAMLIN offered resolution:

*Resolved, etc.,* That Gen. William T. Sherman be, and he is hereby, appointed a member of the Board of Regents of the Smithsonian Institution in the place of Gen. Richard Delafield, resigned.

Adopted.

*January 30, 1871—House.*

On motion of Mr. L. P. POLAND the House took up and passed the joint resolution appointing William T. Sherman a Regent of the Smithsonian Institution in the place of Richard Delafield, resigned.

*February 2, 1871.*

*Resolved, etc.,* That General William T. Sherman be, and he is hereby appointed a member of the Board of Regents of the Smithsonian Institution, in the place of Richard Delafield, resigned.

(Stat., XVI, 593.)

#### REPORT OF SMITHSONIAN INSTITUTION.

*March 30, 1870—Senate.*

Annual report for 1869 presented, and ordered to be printed.

Mr. L. TRUMBULL offered a resolution to have 6,000 copies printed.

Referred to Committee on Printing.

*March 31, 1870—Senate.*

Mr. H. B. ANTHONY, from Committee on Printing, reported concurrent resolution to print 13,000 copies of the report for 1869.

Passed.

*April 20, 1870—House.*

The resolution by the Senate to print 13,000 additional copies of the report of the Smithsonian Institution for 1869 was objected to.

*June 7, 1870—House.*

Mr. JOEL F. ASPER offered a resolution that 2,000 copies of the reports of the Smithsonian Institution for 1866, 1867, and 1868 be printed from the stereotype plates.

A letter from Professor Henry was read:

SMITHSONIAN INSTITUTION,  
Washington, D. C., May 28, 1870.

MY DEAR SIR: I have the honor, with your permission, to address you in relation to extra copies of the reports of this Institution, for which the demand has of late years become so great that the number ordered by the House for its members has not been sufficient to supply more than half their constituents who desire them. During the last three years, and especially during the year just passed, so numerous have been the demands upon us for copies of reports that our stock is entirely exhausted. The report gives not only an account of the operations of the Institution, but also, in an appendix, a series of translations which exhibit the progress of science in foreign countries. A copy is sent to each of the foreign correspondents of the establishment; to colleges, public libraries, and learned societies publishing transactions; to meteorological observers of the Institution; to contributors of the material to the library or museum, and to persons engaged in teaching or in special scientific research, so far as the number of copies furnished to the Institution will allow.

In view of these facts, I would respectfully suggest that there be struck off from the stereotype plates of the reports for 1866, 1867, and 1868, now in the hands of the Public Printer, 2,000 copies of each volume—1,000 for the use of the House and the other 1,000 for distribution by the Institution.

I have the honor to be, very truly, your obedient servant,

JOSEPH HENRY,  
*Secretary Smithsonian Institution.*

Hon. J. F. ASPER,  
*U. S. House of Representatives.*

Referred to Committee on Printing.

*July 12, 1870—House.*

Mr. A. H. LAFLIN reported resolution from the Committee on Printing:

That 10,000 additional copies of the report of the Smithsonian Institution for the year 1869 be printed, 3,000 of which shall be for the use of the Senate, 4,000 for the use of the House, and 3,000 for the use of the Smithsonian Institution: *Provided*, That the aggregate number of pages of said report shall not exceed 450, and there shall be no illustrations, except those furnished by the Smithsonian Institution.

Adopted.

*July 13, 1870—Senate.*

Mr. H. B. ANTHONY reported, from the Committee on Printing, the resolution of the House of Representatives to print 10,000 additional copies of the Smithsonian report for 1869.

Concurred in.

*December 12, 1870—House.*

Mr. E. C. INGERSOLL offered resolution:

That there be printed from stereotyped plates now in possession of the Public Printer, 2,000 copies each of the reports of the Smithsonian Institution for the years 1865, 1866, 1867, 1868; 1,000 of these to be for the use of the members of the House, and 1,000 for distribution by the Smithsonian Institution.

Referred to Committee on Printing.

#### INTERNATIONAL EXCHANGES.

*May 5, 1870.*

*Resolved, etc.*, That the sum of \$2,500, appropriated by acts approved July 30, 1868, and March 3, 1869, "for expenses of exchanging public documents for the publications of foreign governments," the same being an unexpended balance not required for that purpose, be, and the same is hereby, transferred to the fund for the purchase of books for the Library of Congress.

(Stat., XVI, 375.)

*July 12, 1870.*

Legislative, executive, and judicial act for 1871.

Library of Congress: For expenses of exchanging public documents for the publications of foreign governments, \$1,500.

(Stat., XVI, 234.)

March 3, 1871.

Legislative, executive, and judicial act for 1872.

Library of Congress: For expenses of exchanging public documents for the publications of foreign governments, \$1,500.

(Stat., XVI, 479.)

CORCORAN GALLERY OF ART.

May 24, 1870.

*Be it enacted, etc.,* That James M. Carlisle, James C. Hall, George W. Riggs, Anthony Hyde, James G. Berret, James C. Kennedy, Henry D. Cooke, and James C. McGuire, of the city of Washington, and of Georgetown, District of Columbia, and William T. Walters, of the city of Baltimore, State of Maryland, and their successors, be, and they are hereby, created and constituted a body politic and corporate in law, by the name and style of the Trustees of the Corcoran Gallery of Art, and by that name may sue and be sued, implead and be impleaded, have perpetual succession, and shall and may take, hold, manage, and dispose of, at all times, real and personal estate, and shall and may do and perform all other acts and things necessary or appropriate for the execution of the trusts created and conferred on them in and by a certain deed from William W. Corcoran, to them, the said parties hereinbefore named, which is dated the tenth day of May, 1869, and was recorded on the eighteenth of the same month in liber D, number eight, folio 294, et sequitur, one of the land records of Washington County, District of Columbia, to which reference is hereby made for greater certainty; the intent of this charter of incorporation being that the same shall be in execution of the trusts in the said deed declared and set forth, and not to any other intent or purpose whatever.

SEC. 2. *And be it further enacted,* That the Secretary of War, the Secretary of the Treasury, and the Secretary of State be, and they are hereby, authorized and directed to ascertain and settle, upon principles of justice, a fair and just compensation for the use of the ground and buildings described in the before-mentioned deed, while the same were occupied by the United States for the public service, and that the sum so ascertained and settled by them, or a majority of them, shall, upon their certificate and award thereof, be paid to the corporation hereinbefore created, out of any money in the Treasury not otherwise appropriated.

SEC. 3. *And be it further enacted,* That any tax which may be claimed or due to the United States, by reason of the transfer of the property above mentioned or the execution and delivery of the said deed from the said William W. Corcoran to the above-named trustees, be, and the same is hereby, remitted and released.

SEC. 4. *And be it further enacted,* That the aforesaid buildings and grounds connected therewith, together with all the works of art that

may be contained therein, shall be free from all taxes and assessments by the municipal authorities, or by the United States, so long as the same shall be held and used for the purpose hereinbefore set forth.

(Stat., XVI, 139.)

ZOOLOGICAL SOCIETY.

June 21, 1870.

*Be it enacted, etc.*, That Henry D. Cooke, George W. Riggs, James C. Kennedy, Spencer F. Baird, General O. O. Howard, T. W. Bartley, Joseph Casey, Horace Capron, James C. McGuire, and George Taylor, of the city of Washington, District of Columbia, and their associates and successors, be, and are hereby, incorporated and made a body corporate, by the name of the Washington Zoological Society, and by that name may sue and be sued, plead and be impleaded, in any court of law or equity of competent jurisdiction, and be entitled to use and exercise all the powers, rights, and privileges incident to such corporations for the purpose of establishing and maintaining a zoological garden in the city of Washington, and that they, the said corporators, may purchase or lease any real or personal estate required for the purpose aforesaid; and after the said zoological garden shall be established, the said company, for the purpose of paying the expenses of the same, may charge and receive a fee for entry thereunto, not exceeding twenty-five cents for each and every person over the age of twelve years and ten cents for each and every person under said age: *Provided*, That said society shall, for at least one day in each and every week, open said garden to all classes for a charge not exceeding ten cents each.

SEC. 2. *And be it further enacted*, That the said society may from time to time import into this country from foreign countries, free of duty, all birds and animals necessary for the establishment of said garden; and in consideration thereof the said society shall do all in their power to introduce valuable animals, poultry, and birds, and furnish the same to persons or societies requiring the same at the least possible cost.

SEC. 3. *And be it further enacted*, That the said society be, and is hereby, authorized to use, under the direction of the water *register* [registrar] of the city of Washington, without charge, the Potomac water for the purpose of hydrants, ponds, and fountains in said garden.

SEC. 4. *And be it further enacted*, That the government, and direction of the said society shall be invested in said corporators; and that they shall have full power to make and prescribe such by-laws, rules, and regulations, as may become proper and necessary for the management of the property and interests of said society not contrary to this charter or the laws of the United States.

SEC. 5. *And be it further enacted*, That Congress shall have the right to amend, alter, or repeal this act at any time.

(Stat., XVI, 157.)

## STANLEY INDIAN PAINTINGS.

*June 23, 1870.*

*Resolved, etc.,* That certain printed chromos of Indian paintings belonging to John M. Stanley, not exceeding twenty-one thousand copies, shall be admitted free of duty, under such rules and regulations as the Secretary of the Treasury may prescribe: *Provided, That* the permit so granted to John M. Stanley shall be in full settlement of all claim against the United States for the destruction by fire, of certain Indian paintings belonging to him, in January, 1864, at the time of the burning of the building of the Smithsonian Institution, in the city of Washington.

(Stat., XVI, 668.)

## POWELL'S EXPLORATION.

*July 12, 1870.*

Legislative, executive, and judicial act for 1871.

For completing the survey of the Colorado of the West and its tributaries, under the direction of Professor Powell, \$12,000, to be expended under the direction of the Secretary of the Interior.

(Stat., XVI, 242.)

*February 24, 1871—House.*

The Clerk read as follows:

For continuing the completion of the survey of the Colorado of the West and its tributaries, by Professor Powell, under the direction of the Secretary of the Interior, \$12,000.

Mr. H. L. DAWES. I move to strike out the words "Secretary of the Interior" and insert "the Smithsonian Institution."

Agreed to.

*March 3, 1871.*

Sundry civil act for 1872.

For continuing the completion of the survey of the Colorado of the West and its tributaries, by Professor Powell, under the direction of the Smithsonian Institution, \$12,000.

(Stat., XVI, 503.)

## CARE OF GOVERNMENT COLLECTIONS.

*July 15, 1870.*

Sundry civil act for 1871.

Smithsonian Institution: For preservation of the collections of the surveying and exploring expeditions of the Government, \$10,000.

Toward the completion of the hall required for the Government collections, \$10,000.

(Stat., XVI, 294.)

*March 3, 1871.*

Sundry civil act for 1872.

Smithsonian Institution: For preservation of the collections of the surveying and exploring expeditions of the Government, \$10,000.

For the completion of the hall required for the Government collections, \$10,000.

(Stat., XVI, 500.)

PHILADELPHIA CENTENNIAL EXPOSITION.

*March 3, 1871.*

Whereas the Declaration of Independence of the United States of America was prepared, signed, and promulgated in the year 1776 in the city of Philadelphia; and whereas it behooves the people of the United States to celebrate, by appropriate ceremonies, the centennial anniversary of this memorable and decisive event, which constituted the fourth day of July, anno Domini 1776, the birthday of the nation; and whereas it is deemed fitting that the completion of the first century of our national existence shall be commemorated by an exhibition of the natural resources of the country and their development, and of its progress in those arts which benefit mankind, in comparison with those of older nations; and whereas no place is so appropriate for such an exhibition as the city in which occurred the event it is designed to commemorate; and whereas, as the exhibition should be a national celebration, in which the people of the whole country should participate, it should have the sanction of the Congress of the United States: Therefore,

*Be it enacted, etc.,* That an exhibition of American and foreign arts, products, and manufactures shall be held, under the auspices of the Government of the United States, in the city of Philadelphia, in the year 1876.

SEC. 2. That a commission to consist of not more than one delegate from each State, and from each Territory of the United States, whose functions shall continue until the close of the exhibition, shall be constituted, whose duty it shall be to prepare and superintend the execution of a plan for holding the exhibition, and, after conference with the authorities of the city of Philadelphia, to fix upon a suitable site within the corporate limits of the said city, where the exhibition shall be held.

SEC. 3. That said commissioners shall be appointed within one year from the passage of this act by the President of the United States, on the nomination of the governors of the States and Territories, respectively.

SEC. 4. That in the same manner there shall be appointed one commissioner from each State and Territory of the United States, who shall assume the place and perform the duties of such commissioner

or commissioners as may be unable to attend the meetings of the commission.

SEC. 5. That the commission shall hold its meetings in the city of Philadelphia, and that a majority of its members shall have full power to make all needful rules for its government.

SEC. 6. That the commission shall report to Congress, at the first session after its appointment, a suitable date for opening and for closing the exhibition; a schedule of appropriate ceremonies for opening or dedicating the same; a plan or plans of the buildings; a complete plan for the reception and classification of articles intended for exhibition; the requisite custom-house regulations for the introduction into this country of the articles from foreign countries intended for exhibition; and such other matters as in their judgment may be important.

SEC. 7. That no compensation for services shall be paid to the commissioners or other officers provided by this act from the Treasury of the United States; and the United States shall not be liable for any expenses attending such exhibition, or by reason of the same.

SEC. 8. That whenever the President shall be informed by the governor of the State of Pennsylvania that provision has been made for the erection of suitable buildings for the purpose, and for the exclusive control by the commission herein provided for of the proposed exhibition, the President shall, through the Department of State, make proclamation of the same, setting forth the time at which the exhibition will open and the place at which it will be held; and he shall communicate to the diplomatic representatives of all nations copies of the same, together with such regulations as may be adopted by the commissioners, for publication in their respective countries.

(Stat., XVI, 470.)

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#### FORTY-SECOND CONGRESS, 1871-1873.

##### AMENDMENT TO ACT OF ORGANIZATION OF SMITHSONIAN INSTITUTION.

*March 13, 1871—Senate.*

MR. H. HAMLIN. I ask unanimous consent of the Senate to introduce a bill, and I desire to have it considered at this time. I think it will not take two minutes.

By unanimous consent leave was granted to introduce a bill to amend an act to establish the Smithsonian Institution for the increase and diffusion of knowledge among men, approved August 10, 1846. Considered as in Committee of the Whole.

The bill proposed to amend the act of August 10, 1846, by striking out in the first section the words "mayor of the city of Washington,"

and inserting "governor of the District of Columbia," and by making the same change in the third section of the act.

*Be it enacted, etc.,* That "An act to establish the Smithsonian Institution for the increase and diffusion of knowledge among men," approved August 10, 1846, be, and the same is hereby, amended in section 1 of said act by striking out the words "the mayor of the city of Washington," and inserting in place thereof the words "the governor of the District of Columbia," and that said act be further amended in section three by striking out the words "the mayor of the city of Washington," and inserting in place thereof the words "the governor of the District of Columbia."

Mr. H. HAMLIN. Let me say to the Senate in one word what this bill means. The original act creating the Institution made the mayor of the city of Washington one of its Regents. We have abolished that office, and this bill simply puts the governor of the Territory in his place.

Passed.

*March 14, 1871—House.*

Senate bill, of March 13, 1871, was taken up on motion of Mr. L. P. Poland. Passed.

*March 20, 1871.*

*Be it enacted, etc.,* That "An act to establish the Smithsonian Institution for the increase and diffusion of knowledge among men," approved August 10, 1846, be, and the same is hereby, amended in section 1 of said act by striking out the words "the mayor of the city of Washington," and inserting in place thereof the words "the governor of the District of Columbia," and that said act be further amended in section 3 by striking out the words, "the mayor of the city of Washington," and inserting in place thereof the words "the governor of the District of Columbia."

(Stat., XVII, 1.)

#### REPORT OF SMITHSONIAN INSTITUTION.

*April 10, 1871—House.*

Mr. L. P. POLAND submitted a concurrent resolution for printing reports of the Smithsonian Institution.

*April 18, 1871—House.*

Mr. ELLIS H. ROBERTS, from the Committee on Printing, reported resolution:

*Resolved by the House of Representatives, (the Senate concurring),* That 12,500 additional copies of the report of the Smithsonian Institution for the year 1870 be printed, 2,500 for the use of the Senate, 5,000 for the use of the House, and 5,000 for the use of the Smithsonian Institution: *Provided,* That the aggregate number of pages of said report shall not exceed 450, and that there shall be no illustrations, except those furnished by the Smithsonian Institution.

Adopted.

H. Doc. 732—44

*April 19, 1871—Senate.*

The concurrent resolution of April 18, from the House of Representatives, for the printing of 12,500 copies of the report of the Smithsonian Institution for 1870, was agreed to.

*April 3, 1872—House.*

Mr. L. P. POLAND introduced concurrent resolution for printing 2,000 extra copies of each of the reports of the Smithsonian Institution for such volumes as the stereotype plates are in the Congressional Printing Office.

*April 26, 1872—Senate.*

Annual report for 1871 laid before the Senate.

Mr. H. HAMLIN moved to have 12,500 extra copies of the report printed.

*April 26, 1872—House.*

Annual report for 1871 laid before the House.

Mr. L. P. POLAND offered a resolution to print 20,000 extra copies of the report.

*May 2, 1872—Senate.*

Mr. H. B. ANTHONY reported resolution:

*Resolved by the Senate (the House of Representatives concurring), That 12,500 additional copies of the report of the Smithsonian Institution for the year 1871 be printed, 2,500 for the use of the Senate, 5,000 for the use of the House, and 5,000 for the use of the Smithsonian Institution: Provided, That the aggregate number of pages of said report shall not exceed 450, and that there shall be no illustrations except those furnished by the Smithsonian Institution.*

Agreed to.

*May 10, 1872—House.*

Mr. W. P. PRICE, from the Committee on Printing, reported back the concurrent resolution of the Senate to print 12,500 additional copies of the report of the Smithsonian Institution for 1871.

Mr. J. A. GARFIELD. I hope there will be an increase of the number of these reports to be printed. I move that the several numbers be doubled.

Mr. S. J. RANDALL. I think 5,000 copies will be enough for the Institution.

Mr. GARFIELD. Well, I will move to double the number for each House of Congress, but not for the Smithsonian Institution.

The amendment was agreed to, and the resolution adopted.

*May 23, 1872—House.*

Mr. J. M. PENDLETON, from the Committee on Printing, offered concurrent resolution:

That 2,000 copies of each of the reports of the Smithsonian Institution of which the stereotype plates are now in the Congressional Printing Office be printed for distribution by the Smithsonian Institution to libraries, colleges, and public establishments.

Adopted.

*May 24, 1872—Senate.*

Mr. H. B. ANTHONY, from the Committee on Printing, reported nonconcurrence to the amendment of the House of Representatives to increase the number of extra copies of the report for 1871 to 20,000. Agreed to.

*May 29, 1872—Senate.*

Mr. H. B. ANTHONY, from the Committee on Printing, reported back House resolution of May 23, 1872.

Agreed to.

*June 3, 1872—House.*

Mr. W. P. PRICE reported back from the committee the Senate resolution for printing 12,500 extra copies of the report of the Smithsonian Institution for 1871. The House amended the resolution by making the number 20,000, but the Senate refused to concur in that amendment. The Committee on Printing recommended that the House recede from its amendment.

Mr. L. P. POLAND. I hope the House will not recede.

The Speaker (Mr. JAMES G. BLAINE). If there is to be a debate the Chair can not entertain the proposition. The House is acting under an order made under suspension of the rules to consider business on the Speaker's table.

Mr. JOHN BEATTY. I think the gentleman from Vermont [Mr. Poland] had better agree to the proposition to recede.

Mr. POLAND. No, sir; I have very good reasons for believing that the Senate will concur in our amendment if we insist upon it.

*December 20, 1872—House.*

Mr. L. P. POLAND offered a resolution to have 20,000 extra copies of the report for 1871 printed.

*January 31, 1873—House.*

Senate resolution of May 2, 1872, agreed to.

*February 21, 1873—Senate.*

Annual report of the Smithsonian Institution for 1872 presented.

*February 21, 1873—House.*

Mr. L. P. POLAND offered a resolution to have 20,000 extra copies printed of the report of the Smithsonian Institution for 1872.

*March 1, 1873—Senate.*

Mr. H. B. ANTHONY reported from the Committee on Printing resolution:

That 12,500 additional copies of the report of the Smithsonian Institution for the year 1872 be printed, 2,500 copies of which shall be for the use of the Senate, 5,000 for the use of the House, and 5,000 for the use of the Institution: *Provided*, That the aggregate number of pages of said report shall not exceed 450, and that there shall be no illustrations except those furnished by the Smithsonian Institution.

Agreed to.

*March 3, 1873—House.*

Mr. W. P. PRICE, from the Committee on Printing, reported concurrence in the resolution of the Senate to print 12,500 extra copies of the report of the Smithsonian Institution for 1872. Agreed to.

#### DECORATION FOR PROF. JOSEPH HENRY.

*April 20, 1871.*

*Resolved, etc.,* That the consent of Congress is hereby given to Professor Joseph Henry, Secretary of the Smithsonian Institution, to accept the title and regalia of a commander of the Royal Norwegian Order of St. Olaf, conferred upon him for his distinguished scientific service and character by the King of Sweden and Norway, grand master of said order.

(Stat., XVII, 643.)

#### EXPLORING EXPEDITION.

*March 2, 1872.*

*Be it enacted, etc.,* That the Joint Committee on the Library be authorized to grant to James D. Dana the use of such of the engraved plates of the United States Exploring Expedition under Captain Wilkes, now in charge of said committee, as may be desired by him for the publishing a book on corals and coral islands.

(Stat., XVII, 646.)

*May 28, 1872.*

*Be it enacted, etc.,* That the Joint Committee on the Library be, and they are hereby, authorized to contract for the completion of three unfinished volumes of the United States Exploring Expedition of the years 1838 to 1842, to consist of physics and hydrography of the expedition by Charles Wilkes, and the volume of botany of the expedition by John Torrey and others; said publication to be made in the same style as the volumes heretofore published, and distributed in the same manner: *Provided,* That no more than \$9,000 shall in any case be required to finish said volumes.

(Stat., XVII, 164.)

*June 10, 1872.*

Sundry civil act for 1873.

For the publication of three volumes of Wilkes's Exploring Expedition, agreeably to act of May 28, 1872, \$9,000.

(Stat., XVII, 362.)

#### INTERNATIONAL EXCHANGES.

*May 8, 1872.*

Legislative, executive, and judicial act for 1873.

Library of Congress: For expenses of exchanging public documents for the publications of foreign governments, \$1,500.

(Stat., XVII, 64.)

*May 18, 1872.*

Deficiency act for 1872, etc.

Library of Congress: Fund for exchange of public documents, \$6.70.  
(Stat., XVII, 123.)

*March 3, 1873.*

Legislative, executive, and judicial act for 1874.

Library of Congress: For expenses of exchanging public documents for the publications of foreign governments, \$1,500.  
(Stat., XVII, 490.)

CARE OF GOVERNMENT COLLECTIONS.

*May 18, 1872.*

Deficiency act for 1872, etc.

To commence the proper fitting-up, in a fire-proof manner, of the vacant apartments in the Smithsonian Institution building for the proper distribution and exhibition of the Government collections of natural history, geology, and mineralogy, \$5,000.

(Stat., XVII, 131.)

*June 10, 1872.*

Sundry civil act for 1873.

Smithsonian Institution: For preservation of the collections of the surveying and exploring expeditions of the Government, \$15,000.

For the completion of the hall required for the Government collections, \$10,000.

(Stat., XVII, 361.)

*February 28, 1873—Senate.*

Mr. JOHN W. STEVENSON. I am authorized by the Committee on Appropriations to offer a small amendment on page 27, line 658, to strike out "fifteen" and insert "twenty." The clause now reads:

For preservation of the collections of the surveying and exploring expeditions of the Government, \$15,000.

This increase is asked for in order to enable the Institution to arrange and exhibit the geological collections lately transferred from the Land Office, and to make out duplicate specimens in sets for distributing to colleges and institutions throughout the United States. Professor Baird, in a letter before me, says that he made this estimate of \$15,000, which is the usual estimate, before the transfer was made from the Land Office of all these specimens, and the additional appropriation is required to prepare for the large increase of these specimens, and also to prepare duplicates for distribution. The amendment simply proposes an appropriation of \$20,000 instead of \$15,000. I hope the Senate will agree to it.

Mr. CORNELIUS COLE. I think \$20,000 is probably more than the whole thing is worth.

Mr. STEVENSON. I am astonished at the chairman.

Mr. COLE. I think it is hardly worth while to expend such a large sum for such things, and \$15,000, it seems to me, is ample for whatever care is requisite for the specimens that were received by the Smithsonian Institution from the Land Office.

Mr. STEVENSON. I had hoped that the chairman of the committee would be satisfied with the recommendation and estimate of Professor Baird. He gives a very good reason why he wants an increase of the appropriation, and when a man like Professor Baird tells us why he wants this, in order to enable the Institution to exhibit the geological collection which they have received, and to make out duplicate specimens of them, I do not see how we can well refuse such a request.

Agreed to.

*March 3, 1873.*

Sundry civil act for 1874.

Smithsonian Institution: For preservation of the collections of the surveying and exploring expeditions of the Government, \$15,000.

For fitting up the new halls required for the Government collections, \$15,000.

For steam-heating apparatus for the same, \$12,000.

(Stat., XVII, 518.)

#### EXPOSITIONS.

##### *Philadelphia Centennial Exposition.*

*June 1, 1872.*

Whereas Congress did provide by an act entitled "An act to provide for celebrating the one hundredth anniversary of American independence by holding an international exhibition of arts, manufactures, and products of the soil and mine in the city of Philadelphia, and State of Pennsylvania, in the year 1876," approved March third, 1871, for the appointment of commissioners to promote and control the exhibition of the national resources and their development, and the nation's progress in arts which benefit mankind, and to suggest and direct appropriate ceremonies by which the people of the United States may commemorate that memorable and decisive event, the Declaration of American Independence by the Congress of the United Colonies assembled in the city of Philadelphia, on the fourth day of July, anno Domini 1776; and whereas such provisions should be made for procuring the funds requisite for the purposes aforesaid as will enable all the people of the United States, who have shared the common blessings resulting from national independence, to aid in the preparation and conduct of said international exhibition and memorial celebration under the direction of the commissioners of the United States: Therefore,

*Be it enacted, etc.,* That there is hereby created a body corporate, to be known by the name of the Centennial Board of Finance, and by that name to have an incorporate existence until the object for which

it is formed shall have been accomplished; and it shall be competent to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity in the United States; and may make and have a corporate seal, and may purchase, take, have, and hold, and may grant, sell, and at pleasure dispose of all such real and personal estate as may be required in carrying into effect the provisions of an act of Congress entitled "An act to provide for celebrating the one hundredth anniversary of American independence by holding an international exhibition of arts and manufactures, and products of the soil and mine, in the city of Philadelphia, and State of Pennsylvania, in the year 1876," approved March third, 1871, and all acts supplementary thereto; and said Centennial Board of Finance shall consist of the following-named persons, their associates and successors, from the States and Territories as herein set forth: \* \* \*

SEC. 2. That the said corporation shall have authority and is hereby empowered to secure subscriptions of capital stock to an amount not exceeding \$10,000,000, to be divided into shares of ten dollars each, and to issue to the subscribers of said stock certificates therefor under the corporate seal of said corporation, which certificates shall bear the signature of the president and treasurer, and be transferable under such rules and regulations as may be made for the purpose; and it shall be lawful for any municipal or other corporate body existing by or under the laws of the United States, to subscribe and pay for shares of said capital stock, and all holders of said stock shall become associates in said corporation, and shall be entitled to one vote on each share; and it shall be the duty of the United States Centennial Commission to prescribe rules to enable absent stockholders to vote by proxy. The proceeds of said stock, together with the receipts from all other sources, shall be used by said corporation for the erection of suitable buildings, with their appropriate fixtures and appurtenances, and for all other expenditures required in carrying out the objects of the said act of Congress of March third, 1871, and which may be incident thereto; and the said corporation shall keep regular minutes of its proceedings, and full accounts, with the vouchers thereof, of all the receipts and expenditures, and the same shall be always open to the inspection of the United States Centennial Commission, or any member thereof.

SEC. 3. That books of subscription shall be opened by the United States Centennial Commission, under such rules as it may prescribe, and an opportunity shall be given, during a period of one hundred days, to the citizens of each State and Territory, to subscribe for stock to an amount not exceeding its quota, according to its population, after which period of one hundred days, stock not taken may be sold to any person or persons or corporation willing to purchase the same.

SEC. 4. That after the expiration of said period of one hundred days, the United States Centennial Commission shall issue a call for a meeting, by publication in one or more newspapers published at the capital

of each State and Territory, not less than thirty days prior thereto, of the corporators and all others who may then have subscribed for stock, to be held in the city of Philadelphia, for the purpose of electing a board of directors, to consist of twenty-five stockholders, whose term of office shall be one year, and until their successors shall have been qualified; at which meeting those who may be present in person or by proxy, of whom one hundred shall constitute a quorum, shall be competent to organize and elect said officers. The said board of directors, and every subsequent board, shall be chosen by the stockholders, out of a list of one hundred stockholders, selected and nominated by the United States Centennial Commission. Nine members of the board of directors shall constitute a quorum for the transaction of business, but no election or change of officers shall take place unless at a meeting of the board of directors, at which a majority shall be present.

SEC. 5. That the said board of directors shall elect, from its own number, a president and two vice-presidents, whose term of office shall be one year, and until their successors shall have been duly qualified, and shall appoint a treasurer, a secretary, and such other officers as may be required to carry out the purposes of the corporation, which elected and appointed officers shall hold their respective offices during the pleasure of the board, receiving such compensation as the board may prescribe; and the board shall also adopt such by-laws, rules, and regulations, for its own government, and for the government of its officers, as may be deemed expedient: *Provided*, That the same shall not be inconsistent with any act of Congress or the rules adopted by the United States Centennial Commission.

SEC. 6. That as soon as the board of directors shall have been duly organized, as provided for in section five of this act, it shall be the duty of the United States Centennial Commission to deliver to the said board all stock subscription books, with the papers and records of any kind in its possession, pertaining to the same.

SEC. 7. That the grounds for the exhibition shall be prepared and the buildings erected by the said corporation in accordance with plans which shall have been previously adopted by the United States Centennial Commission, and the rules and regulations of said corporation, governing rates for "entrance" and "admission" fees, or otherwise affecting the rights, privileges, or interests of the exhibitors, or of the public, shall be fixed and established by the United States Centennial Commission; and no grant conferring rights or privileges of any description connected with the said grounds or buildings, or relating to said exhibition or celebration, shall be made without the consent of the United States Centennial Commission, and said commission shall have power to control, change, or revoke all such grants, and shall appoint all judges and examiners, and award all premiums.

SEC. 8. That the Centennial Board of Finance shall have authority

to issue bonds, not in excess of its capital stock, and secure the payment of the same, principal and interest, by mortgage upon its property and prospective income.

SEC. 9. That it shall be the duty of the Secretary of the Treasury of the United States, as soon as practicable after the passage of this act, to cause to be prepared, in accordance with a design approved by the United States Centennial Commission and the Secretary of the Treasury, a sufficient number of certificates of stock to meet the requirements of this act; and any person found guilty of counterfeiting, or attempting to counterfeit, or knowingly circulating false certificates of stock, herein authorized, shall be subject to the same pains and penalties as are or may be provided by law for counterfeiting United States currency; but nothing in this act shall be so construed as to create any liability of the United States, direct or indirect, for any debt or obligation incurred, nor for any claim, by the centennial international exhibition, or the corporation hereby created, for aid or pecuniary assistance from Congress or the Treasury of the United States, in support or liquidation of any debts or obligations created by the corporation herein authorized: *And provided*, That nothing in this act shall be so construed as to override or interfere with the laws of any State; and all contracts made in any State for the purposes of the centennial international exhibition shall be subject to the laws thereof: *And provided further*, That no member of said Centennial Board of Finance assumes any personal liability for any debt or obligation which may be created or incurred by the corporation authorized by this act.

SEC. 10. That as soon as practicable after the said exhibition shall have been closed, it shall be the duty of said corporation to convert its property into cash, and, after the payment of all its liabilities, to divide its remaining assets among its stockholders, pro rata, in full satisfaction and discharge of its capital stock; and it shall be the duty of the United States Centennial Commission to supervise the closing up of the affairs of said corporation, to audit its accounts, and submit, in a report to the President of the United States, the financial results of the centennial exhibition.

SEC. 11. That the commission created by the act referred to in the preamble of this act is hereby made and constituted a body politic and corporate in law, with power to do such acts and enter into such obligations as may be promotive of the purposes for which such commission was established. Its title shall be the United States Centennial Commission. It shall have a common and corporate seal, and possess all the rights incident to corporate existence.

SEC. 12. That the alternate commissioners appointed pursuant to section four of the act approved March third, 1871, referred to in the preamble to this act, shall have all the powers of a commissioner when the commissioner is not present at any meeting. When the commis-

sioner is present the alternate may participate in the debates and serve on committees, but shall have no vote. The appointment of all commissioners and alternate commissioners made since March third, 1872, are hereby ratified and confirmed; and all vacancies now existing, or which may hereafter exist, whether by death, resignation, removal from the State or Territory, or otherwise, shall be filled at any time hereafter in like manner as is provided in said act of March third, 1871, for the appointment of commissioners.

SEC. 13. That it shall be the duty of the United States Centennial Commission to make report from time to time to the President of the United States of the progress of the work, and in a final report present a full exhibit of the result of the United States Centennial Celebration and Exhibition of 1876.

(Stat., XVII, 203.)

### *Vienna Exposition.*

*February 14, 1873.*

*Resolved, etc.,* That in order to enable the people of the United States to participate in the advantages of the international exhibition of the products of agriculture, manufactures, and the fine arts, to be held at Vienna in the year 1873, there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$200,000, or so much thereof as may be necessary, for the purpose herein specified, which sum shall be expended under the direction of the Secretary of State: *Provided,* That the President be authorized to appoint a number of practical artisans not exceeding 8 and of scientific men not exceeding 7, who shall attend said exhibition and report their doings and observations to him, and whose actual and reasonable expenses, not to exceed \$1,000 each, shall be paid from such fund, and that the President be further authorized to appoint a number of honorary commissioners, not to exceed 100, who shall receive no pay for their expenses or otherwise: *And provided further,* That no person so appointed shall be interested, directly or indirectly, in any article exhibited for competition: *And provided,* That not more than \$50,000 shall be expended for salaries and expenses of all persons receiving appointments to places authorized in this resolution, and not more than \$5,000 shall be paid for salary and expenses to any one person.

SEC. 2. That the governors of the several States be, and they are hereby, requested to invite the patriotic people of their respective States to assist in the proper representation of the handiwork of our artisans and the prolific sources of material wealth with which our land is blessed, and to take such further measures as may be necessary to diffuse a knowledge of the proposed exhibition and to secure to their respective States the advantages which it promises.

SEC. 3. That it shall be the duty of the Secretary of State to transmit to Congress a detailed statement of the expenditures which may have been incurred under the provisions of this resolution.

(Stat., XVII, 637.)

FREE POSTAGE.

*June 8, 1872.*

An act to revise, consolidate, and amend the statutes relating to the Post-Office Department.

SEC. 184. That the following mail matter shall be allowed to pass free in the mails. \* \* \*

Sixth. All publications sent or received by the Smithsonian Institution, marked on each package "Smithsonian Exchange."

(Stat., XVII, 307.)

POWELL'S EXPLORATION.

*June 10, 1872.*

Sundry civil act for 1873.

For completing the survey of the Colorado of the West and its tributaries, by Professor J. W. Powell, under the direction of the Smithsonian Institution, \$20,000.

(Stat., XVII, 350.)

*March 3, 1873.*

Sundry civil act for 1874.

That the sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated to enable Professor J. W. Powell to prepare his materials, and to present to Congress at its next session a report of the survey of the Colorado of the West and its tributaries.

(Stat., XVII, 513.)

APPOINTMENT OF REGENTS

*By the Vice-President.*

*December 10, 1872—Senate.*

The Vice-President (Mr. SCHUYLER COLFAX) appointed John W. Stevenson, of Kentucky, a Regent of the Smithsonian Institution, in the place of Garret Davis, deceased.

## FORTY-THIRD CONGRESS, 1873-1875.

## EXPOSITIONS.

*Philadelphia Centennial Exhibition.**July 3, 1873.**Proclamation of President Grant.*

Whereas by the act of Congress approved March 3, 1871, providing for a national celebration of the one hundredth anniversary of the Independence of the United States by the holding of an international exhibition of arts, manufactures, and products of the soil and mine, in the city of Philadelphia, in the year 1876, it is provided as follows:

That whenever the President shall be informed by the governor of the State of Pennsylvania that provision has been made for the erection of suitable buildings for the purpose, and for the exclusive control by the commission herein provided for of the proposed exhibition, the President shall, through the Department of State, make proclamation of the same, setting forth the time at which the exhibition will open and the place at which it will be held; and he will communicate to the diplomatic representatives of all nations copies of the same, together with such regulations as may be adopted by the commissioners, for publication in their respective countries; and

Whereas his excellency the governor of the said State of Pennsylvania did, on the 24th day of June, 1873, inform me that provision had been made for the erection of said buildings and for the exclusive control by the commission provided for in the said act of the proposed exhibition; and

Whereas the president of the United States Centennial Commission has officially informed me of the date fixed for the opening and closing of the said exhibition and the place at which it is to be held:

Now, therefore, be it known that I, Ulysses S. Grant, President of the United States, in conformity with the provisions of the act of Congress aforesaid, do hereby declare and proclaim that there will be held, at the city of Philadelphia, in the State of Pennsylvania, an international exhibition of arts, manufactures, and products of the soil and mine, to be opened on the 19th day of April, anno Domini 1876, and be closed on the 19th day of October, in the same year.

And in the interest of peace, civilization, and domestic and international friendship and intercourse, I commend the celebration and exhibition to the people of the United States; and in behalf of this Government and people I cordially commend them to all nations who may be pleased to take part therein.

In testimony whereof I have herewith set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 3d day of July, 1873, and of the Independence of the United States of America the ninety-seventh.

U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

## GENERAL REGULATIONS.

1. The international exhibition of 1876 will be held in Fairmount Park, in the city of Philadelphia, in the year 1876.

2. The date of opening the exhibition will be April 19, 1876, and of closing will be October 19, 1876.

3. A cordial invitation is hereby extended to every nation of the earth to be represented by its arts, industries, progress, and development.

4. A formal acceptance of this invitation is requested previous to March 4, 1874.

5. Each nation accepting this invitation is requested to appoint a commission through which all matters pertaining to its own interests shall be conducted. For the purpose of convenient intercourse and satisfactory supervision it is especially desired that one member of each such commission be designated to reside at Philadelphia until the close of the exposition.

6. The privileges of exhibitors can be granted only to citizens of countries whose governments have formally accepted the invitation to be represented and have appointed the aforementioned commission, and all communications must be made through the governmental commissions.

7. Applications for space within the exposition buildings, or in the adjacent buildings and grounds under the control of the Centennial Commission, must be made previous to March 4, 1875.

8. Full diagrams of the buildings and grounds will be furnished to the commissioners of the different nations which shall accept the invitation to participate.

9. All articles intended for exhibition, in order to secure proper position and classification, must be in Philadelphia on or before January 1, 1876.

10. Acts of Congress pertaining to custom-house regulations, duties, etc., together with all special regulations adopted by the Centennial Commission in reference to transportation, allotment of space, classification, motive power, insurance, police rules, and other matters necessary to the proper display and preservation of materials, will be promptly communicated to the accredited representatives of the several governments cooperating in the exposition.

*July 5, 1873.*

The Secretary of State of the United States forwarded the President's proclamation to the various ministers from foreign countries residing at the national capital, together with the following official note:

DEPARTMENT OF STATE,  
*Washington, D. C., July 5, 1873.*

SIR: I have the honor to inclose, for the information of the Government of ———, a copy of the President's proclamation announcing the time and place of holding an International Exhibition of Arts, Manufactures, and Products of the Soil and Mine, proposed to be held in the year 1876.

The exhibition is designed to commemorate the declaration of the independence of the United States on the one hundredth anniversary of that interesting and historic national event, and at the same time to present a fitting opportunity for such display of the results of art and industry of all nations as will serve to illustrate the great advances attained and the successes achieved in the interest of progress and civilization during the century which will then have closed.

In the law providing for the holding of the exhibition Congress directed that copies of the proclamation of the President, setting forth the time of its opening and the place at which it was to be held, together with such regulations as might be adopted by the commissioners of the exhibition, should be communicated to the diplomatic representatives of all nations. Copies of those regulations are herewith transmitted.

The President indulges the hope that the Government of ——— will be pleased to notice the subject and may deem it proper to bring the exhibition and its objects to the attention of the people of that country, and thus encourage their cooperation in the proposed celebration. And he further hopes that the opportunity afforded by the exhibition for the interchange of national sentiment and friendly intercourse between the people of both nations may result in new and still greater advantages to science and industry, and at the same time serve to strengthen the

bonds of peace and friendship which already happily subsist between the Government and people of ——— and those of the United States.

I have the honor to be, sir, with the highest consideration, your obedient servant,

*January 23, 1874.*

*Executive order by the President of the United States creating the Government executive board.*

Whereas it has been brought to the notice of the President of the United States that in the International Exhibition of Arts, Manufactures, and Products of the Soil and Mine, to be held in the city of Philadelphia, in the year 1876, for the purpose of celebrating the one hundredth anniversary of the independence of the United States, it is desirable that from the Executive Departments of the Government of the United States in which there may be articles suitable for the purpose intended there should appear such articles and materials as will, when presented in a collective exhibition, illustrate the functions and administrative faculties of the Government in time of peace and its resources as a war power, and thereby serve to demonstrate the nature of our institutions and their adaptation to the wants of the people. Now, for the purpose of securing a complete and harmonious arrangement of the articles and materials designed to be exhibited from the Executive Departments of the Government it is ordered that a board, to be composed of one person to be named by the head of each of the Executive Departments which may have articles and materials to be exhibited, and also of one person to be named in behalf of the Smithsonian Institution, and one to be named in the behalf of the Department of Agriculture, be charged with the preparation, arrangement, and safe-keeping of such articles and materials as the heads of the several Departments and the Commissioner of Agriculture and the Director of the Smithsonian Institution may respectively decide shall be embraced in the collection; that one of the persons thus named, to be designated by the President, shall be chairman of such board, and that the board appoint from their own number such other officers as they may think necessary, and that the said board when organized shall be authorized, under the direction of the President, to confer with the executive officers of the Centennial Exhibition in relation to such matters connected with the subject as may pertain to the respective Departments having articles and materials on exhibition, and that the names of the persons thus selected by the heads of the several Departments, the Commissioner of Agriculture, and the Director of the Smithsonian Institution shall be submitted to the President for designation.

By order of the President:

HAMILTON FISH,  
*Secretary of State.*

WASHINGTON, *January 23, 1874.*

“By order of the President:

(Signed)

“HAMILTON FISH,  
“*Secretary of State.*

“WASHINGTON, *January 23d, 1874.*”

In accordance with the above order the President appointed a board composed of a representative from each of the Executive Departments of the Government except the Department of State and the Attorney-General's Department, but including the Department of Agriculture and the Smithsonian Institution. The board was composed as follows:

War Department: Col. C. S. Lyford (chairman), Ordnance Bureau.

Treasury Department: Hon. R. W. Taylor, First Controller of the Treasury.

Navy Department: Admiral Thornton A. Jenkins, United States Navy.

Interior Department: John Eaton, Commissioner of Education.

Post-Office Department: Dr. Charles F. McDonald, Chief of Money-Order Department.

Agricultural Department: Wm. Saunders, Superintendent of Propagating Garden.

Smithsonian Institution: Prof. S. F. Baird, Assistant Secretary of the Smithsonian Institution and United States Fishery Commissioner.

This board was charged with the duty of perfecting a collective exhibition that should illustrate the functions and administrative faculties of the Government in time of peace and its resources as a war power.

June 5, 1874.

An act, etc.

Whereas at various international exhibitions which have been held in foreign countries the United States have been represented in pursuance of invitations given by the governments of those countries and accepted by our own Government: Therefore,

*Be it enacted, etc.,* That the President be requested to extend, in the name of the United States, a respectful and cordial invitation to the governments of other nations to be represented and take part in the international exposition to be held at Philadelphia, under the auspices of the Government of the United States, in the year 1876: *Provided, however,* That the United States shall not be liable, directly or indirectly, for any expenses attending such exposition or by reason of the same.

(Stat., XVIII, Part 3, 53.)

June 16, 1874.

*Be it enacted, etc.,* That medals with appropriate devices, emblems, and inscriptions, commemorative of the centennial anniversary of the Declaration of Independence, be prepared at the mint at Philadelphia for the Centennial Board of Finance, subject to the provisions of the fifty-second section of the coinage act of 1873, upon the payment of a sum not less than the cost thereof, and all the provisions, whether penal or otherwise, of said coinage act against the counterfeiting or imitating of coins of the United States shall apply to the medals struck and issued under the provisions of this act.

(Stat., XVIII, Part 3, 76.)

June 18, 1874.

*Be it enacted, etc.,* That all articles which shall be imported for the sole purpose of exhibition at the International Exhibition to be held in the city of Philadelphia in the year 1876 shall be admitted without the payment of duty or of customs fees or charges, under such regulations as the Secretary of the Treasury shall prescribe: *Provided,* That all such articles as shall be sold in the United States

or withdrawn for consumption therein at any time after such importation shall be subject to the duties, if any, imposed on like articles by the revenue laws in force at the date of importation: *And provided further*, That in case any articles imported under the provisions of this act shall be withdrawn for consumption or shall be sold without payment of duty as required by law, all the penalties prescribed by the revenue laws shall be applied and enforced against such articles and against the persons who may be guilty of such withdrawal or sale.

(Stat., XVIII, Part 3, 82.)

*March 3, 1875.*

Sundry civil act for 1876.

For engraving and printing certificates of Centennial stock for the international exhibition to be held in the city of Philadelphia in the year 1876, \$30,750: *Provided*, That this appropriation shall not be construed as in any manner committing the Government of the United States to any other payment whatever to meet the expenses of said exhibition.

(Stat., XVIII, Part 3, 375.)

*March 3, 1875.*

Sundry civil act for 1876.

SEC. 5. To enable the Executive Departments of the Government and the Smithsonian Institution to participate in the International Exhibition of 1876, the following sums are hereby appropriated, namely: For the Interior Department, \$115,000; for the Treasury Department, \$5,000; for the Post-Office Department, \$5,000; for the Agricultural Department, \$50,000; for the Smithsonian Institution, \$67,000; for the United States Commission of Food Fishes, \$5,000; for the War Department, \$133,000; for the Navy Department, \$100,000; for show cases, shelving, stationery, postage, telegrams, expressage, and other necessary incidental expenses, \$25,000; in all, \$505,000; to be disbursed under the direction of the Board on Executive Departments appointed in pursuance of the Presidential order of January 23, 1874. And authority is hereby given to the heads of the several Executive Departments to display at the International Exhibition of 1876, under such conditions as they may prescribe, subject to the provisions of section 7 of the act of June 1, 1872, all such articles in store or under the control of said Departments as may be necessary or desirable to render such collection complete and exhaustive: *Provided*, That should it become necessary to erect any building or part of a building for said exhibition, on the part of the Government, the same shall be paid for, pro rata, out of the sums appropriated to the several Departments, the United States Commission of Food Fishes, and the Treasury and Post-Office Departments excepted, the cost of the building not to exceed \$150,000; and at the close of the exhi-

bition said building shall be sold and the proceeds covered into the Treasury as miscellaneous receipts: *And provided further*, That the sums hereby appropriated shall cover the entire expense to which the United States Government shall be subjected on account of said exhibition, except the sum appropriated in this act for printing the certificates of stock of said exhibition; and the Board on Executive Departments is forbidden to expend any larger sum than is set down herein for each Department, or to enter into any contract or engagement that shall result in any such increased expenditure; and no money shall be taken by any Department for the purposes of this exhibition as aforesaid from any other appropriations except the one hereby made: *And further provided*, That of the sum hereby appropriated the sum of \$200,000 shall be immediately available.

(Stat., XVIII, Part 3, 400.)

*Vienna Exposition.*

March 3, 1875.

Deficiency act for 1875, etc.

SEC. 7. That the Secretary of State is authorized to pay, out of any balance now remaining unexpended of the monies appropriated in joint resolution approved February 14, 1873, entitled "Joint resolution to enable the people of the United States to participate in the advantages of the international exposition to be held at Vienna in 1873," the sum of \$500 to each of the 15 commissioners appointed under authority of said joint resolution, who, in addition to undertaking reports upon special subjects at said exposition, either served upon international juries or were detained in Vienna by reason of assisting in the arrangement of the American department of the exposition, or the performance of other duties imposed upon them by the State Department for a period of more than seventy-five days, as shown by the records on file in the State Department.

(Stat., XVIII, Part 3, 418.)

APPOINTMENT OF REGENTS

*By the Vice-President.*

January 3, 1874—Senate.

The President pro tempore (Mr. M. H. CARPENTER) appointed Aaron A. Sargent, of California, a Regent of the Institution.

APPOINTMENT OF REGENTS

*By the Speaker.*

December 18, 1873—House.

The Speaker (Mr. JAMES G. BLAINE) appointed E. R. Hoar, of Massachusetts, S. S. Cox, of New York, and G. W. Hazelton, of Wisconsin, Regents of the Smithsonian Institution.

H. Doc. 732—45

## APPOINTMENT OF REGENTS

*By Joint Resolution.*

*December 19, 1873—House.*

Mr. S. W. KELLOGG. I ask unanimous consent to submit the following resolution:

*Resolved, etc.,* That Professor James D. Dana be, and hereby is, appointed as one of the Board of Regents of the Smithsonian Institution, of the class other than members of Congress, in place of Theodore D. Woolsey, of Connecticut, who declines to be reappointed.

Mr. KELLOGG. I trust there will be no objection to the adoption of the resolution.

Mr. J. A. GARFIELD. I suggest that it be referred to the Board of Regents.

Mr. KELLOGG. If there be any objection I will not press the resolution.

Mr. GARFIELD. I do not suppose there is any objection, but I only suggest that it is the usual course.

Mr. KELLOGG. If the usual course is as stated by the gentleman from Ohio I do not object.

Mr. GARFIELD. There is another vacancy to be filled, occasioned by the death of Professor Agassiz.

Mr. KELLOGG. I do not suppose there would be the least objection, Professor Dana being so well known; but if that is the usual course, I do not object.

Mr. B. F. BUTLER. I suggest that the resolution be referred to the Committee on Education and Labor.

Mr. KELLOGG. I move that it be referred to the Committee on Education and Labor.

*January 5, 1874—Senate.*

Mr. J. W. STEVENSON introduced a resolution providing that the vacancies in the Board of Regents of the Smithsonian Institution of the class other than members of Congress be filled by the appointment of Asa Gray, J. D. Dana, A. T. Stewart, and that John Maclean and Peter Parker be reappointed.

Mr. STEVENSON. The appointments have been agreed upon by the Board of Regents of the Smithsonian Institution, and they are to supply all vacancies in that board.

The President pro tempore (Mr. M. H. CARPENTER). Is there objection to the present consideration of the joint resolution?

Mr. C. SUMNER. I ask if that is the report of a committee, or a simple resolution?

The PRESIDENT pro tempore. It is a joint resolution introduced by the Senator from Kentucky.

Mr. SUMNER. I suggest that it should be considered by a committee.

I honor all the gentlemen named in the resolution; still I think it has been customary to consider such resolutions in committee.

Mr. STEVENSON. I have no objection to its reference to a committee.

Mr. JOHN SHERMAN. I think the resolution ought to be referred to the Committee on the Library, which has general charge of the Smithsonian Institution.

The PRESIDENT pro tempore. Does the Senator make that motion?

Mr. SHERMAN. Yes, sir.

Agreed to.

*January 5, 1874—House.*

Mr. J. A. GARFIELD introduced a joint resolution providing that the vacancies in the Board of Regents of the Smithsonian Institution, of the class other than members of Congress, be filled by the appointment of Asa Gray, J. D. Dana, A. T. Stewart, and the reappointment of John Maclean and Peter Parker. Referred to the Committee on Education and Labor.

*January 6, 1874—House.*

Mr. HORACE MAYNARD offered a joint resolution (H. 32) in relation to the appointment of Regents of the Smithsonian Institution. Referred to the Committee on Education and Labor.

*January 7, 1874—House.*

Mr. I. R. SHERWOOD introduced joint resolution for the appointment of Leo Lesquereux, of Columbus, Ohio, one of the Regents of the Smithsonian Institution. Referred to the Committee on Education and Labor.

Mr. JAMES MONROE. The Committee on Education and Labor have had under consideration sundry resolutions in regard to filling vacancies in the Board of Regents of the Smithsonian Institution. Some other gentlemen had asked for an opportunity to suggest names, but there seemed to be reasons for prompt action upon the subject, and the committee, therefore, instructed me to report at once a joint resolution naming certain gentlemen to fill these vacancies.

The resolution now reported by the committee is identical with that which was introduced by the gentleman from Ohio [Mr. Garfield], one of the Regents of the Institution, with the exception that in a single name we propose a change, which it is thought would, perhaps, on the whole, more fairly distribute the appointments and meet better certain interests which were deemed by the committee to be of great importance. The highest esteem and respect were felt by the committee for all the gentlemen whose names have been suggested, but, on the whole, the arrangement proposed in the resolution which I now report seemed to the committee to be the best they could make.

The joint resolution provides that the existing vacancies in the Board of Regents of the Smithsonian Institution, of the class other than members of Congress, shall be filled by the appointment of Asa Gray,

of Massachusetts, in place of Louis Agassiz, deceased; J. D. Dana, of Connecticut, in place of Theodore D. Woolsey; Henry Coppée, in place of W. B. Astor; and John Maclean and Peter Parker, whose terms have expired, are to be reappointed.

Mr. HORACE MAYNARD. Will the gentleman allow me to occupy one moment? I introduced yesterday and had referred to this committee a resolution in accordance with an idea I entertained, but had had no occasion to express specially that the Smithsonian Institution, founded and endowed by the munificence of a British subject "to increase and diffuse knowledge among men," should be made, so far as possible, national in its character. Now, in looking at the list of Regents, I find that while they are all most excellent and eminent men (and I hope the day is far distant when any section of our country will not have eminent and distinguished men enough to more than furnish the list of Regents), the appointments are at present limited geographically.

I suggest to the chairman of the Committee on Education and Labor whether, as a matter of wise policy, it would not be well to emphasize the national character of the Institution by extending geographically the citizenship of the gentlemen constituting the Board of Regents. With this view I have proposed, in the joint resolution introduced by me yesterday, that one member of the board shall be a distinguished and eminent citizen of my own State. I refer to Rev. Dr. Thomas W. Humes, president of the University of East Tennessee, a citizen by birth and continued residence in that State, and a gentleman of great attainments and high personal character—not that he is more distinguished, more worthy, or in any respect superior to the gentlemen who have been named. I make no such claim. But this gentleman, if appointed, will be the representative of a large region of our country—the great Southwest (embracing also a portion of the South and of the West), whose scientific possibilities are very great—whose scientific resources, if I may use that expression, have been hitherto very largely unconsidered and undeveloped. It has seemed to me wise to include in the Board of Regents a representative from that very large portion of our common country.

I do not wish it to be understood that I would not accept as readily any other distinguished name that might be suggested that would represent the same general region of country, but I certainly think it would give greater effect and importance to the labors of that Institution to have its regency distributed more generally throughout the country. I am reminded by gentlemen sitting near me that there is no one on that board from either the South or the West.

I bring this subject generally before the House. I move to substitute the name of Thomas W. Humes, a citizen of Tennessee, for that of Henry Coppée, of Pennsylvania.

Mr. G. F. HOAR. Mr. Speaker, it may possibly interest the House

if I occupy a few minutes in stating the purpose of the Smithsonian Institution, for in view of that purpose I am sure the gentleman from Tennessee [Mr. Maynard] himself will commend the wisdom of the recommendations we make. The Smithsonian Institution has for its Board of Regents three persons appointed from the members of this House, three persons appointed from the Senate, the President of the United States, the Chief Justice of the United States, and certain other officers of the Government are Regents *ex officio*. These officers give the regency of the Institution its national character. The whole nation, of course, has its voice in their selection. There are six other Regents who are specially appointed by joint resolution of Congress, and it is to fill vacancies in this number that this resolution is designed.

The purpose of the Smithsonian Institution is the "advancement of knowledge among men," and after very full and very thorough debate at the time of its origin the authorities of that day determined that it was best to devote the fund at their disposal not to the mere dissemination of knowledge, as is done by the publication and distribution of books, nor to mere educational purposes, as would be done by the endowment and support of institutions for instruction, but that the fund should be applied to promoting and publishing the results of such original investigations as may tend to advance and increase the pure scientific knowledge of mankind. To this end a fund of about \$700,000, part of which is invested in buildings, leaving an income-bearing fund of about \$500,000, is within the control of the Institution.

The income of that fund is appropriated in this way: Suppose, for instance, an eminent mathematician says that he desires to have made a computation in connection with certain investigations to determine the cause of the perturbation of a planet, such as those of Leverrier which led to the discovery of the planet Neptune. If those investigations require a large amount of mathematical computation which may almost be termed mechanical, this would involve a good deal of expense to him. Suppose the Smithsonian Institution decides that the result of such investigation will advance scientific knowledge, it will advance a sum of money to pay for such computations, if it does not pay anything to the scientific man himself as compensation, or for support. So if a scientific man wishes to make a certain inquiry into the laws of optics or of electricity, and if the Smithsonian Institution is satisfied of the capacity of the person and of the usefulness of the results likely to be obtained, it appropriates such sum of money as may be necessary to obtain the requisite apparatus and lets him have the use of it; and then, if the result of that investigation is found to be of value to science, it appropriates the money for its publication.

Now, everybody knows the familiar instance when Morse invented his alphabet for recording telegraphy. The knowledge of the laws

of magnetism, which made that magnificent invention serviceable to mankind, which has rendered the name of American science illustrious, came from the previous researches and investigations of Professor Henry, who brought from the vast treasure-house of science that knowledge of the laws of nature which the invention of Morse made useful for the practical benefit of mankind. Now, in order to determine what papers are proper to be published, or what kind of investigations, among the large number that are offered to the Smithsonian Institution, will be useful for the advancement of science, you should have among the members of that board persons who are authority in particular departments of science. They are not selected as a public honor to the persons themselves; they are not selected for the purpose of recognizing the claims of or of stimulating interest in the Institution in different portions of the country; but men are selected whom Professor Henry and his associates in that Institution deem competent to decide in regard to the particular scientific investigations which it may be desired to make. For instance, my distinguished friend from Tennessee [Mr. Maynard] proposed the name of Professor Snell, of Amherst College, in place of the late Professor Agassiz. Professor Snell, of Amherst College, is one of the most eminent scholars of my State; a pure, earnest, modest devotee of learning, who has made a thousand contributions to science from which he has received no benefit. But Professor Snell's life has been devoted to the investigation of optics, magnetism, and certain branches of natural science, which are also the special pursuits of Professor Henry, the Secretary and Director of the Institution; and it is not important, therefore, to add at this moment to the force of the Smithsonian Institution another gentleman who will be an authority on matters of optics, magnetism, galvanism, etc. But one thing on which Professor Agassiz, just deceased, was the great authority in this country and the world was natural history, including the growth of animals, the origin of species, the growth of plants, of trees, etc., and this is a matter in regard to which the science of the world is especially busying itself at the present time, and of a knowledge of which the practical need of this country is the greatest.

The prairie lands of the Northwest, which lie between the dense settlements of the Atlantic and the Pacific, are in need of the scientific information—as my friend [Mr. Kelley], who does me the honor to listen to me, knows very well—which may cover those lands with forests, with shade trees, with vegetation. Professor Gray is, perhaps, the greatest authority in the world on that special matter. Now, how idle, how unwise, it would be for the members of this House to say that, because Colorado or Wyoming are to be represented on the Board of Regents of the Smithsonian Institution, they may appoint some man from those Territories rather than appoint Professor Gray,

the greatest authority on this question. He happened to reside at Cambridge in his youth and in the time of his early studies. The libraries and scientific apparatus which were necessary for the prosecution of his studies in that department of science were there. So in the case of Professor Dana. I suppose any California gentleman on this floor will agree that no man has been so great a benefactor to the development of the mineral resources of the State of California as Professors Dana and Whitney. (Professor Whitney, indeed, has resided in California of late years.) Professor Dana is a great authority on matters of mines and minerals, and his life has been where a library and apparatus, making the prosecution of his labors pleasant and profitable, existed.

Now the name of Alexander T. Stewart, a distinguished financier, has been recommended in the place of another man of wealth and a business man in the State of New York (Mr. Astor), and the committee would have been delighted to adopt that recommendation; but we were informed by a gentleman on the committee, from the State of New York, that the state of Mr. Stewart's health is such that it would not be certain he would be able to give his personal attention to the business of the Board of Regents. Therefore, because it was not a matter of personal honor, but because it was a matter of supplying the wants of this Institution, we recommend in his stead the name of an eminent man of science in the State of Pennsylvania, formerly the head of a university in that State, who adds to the reputation and capacity of a scientific man great financial ability, as exhibited in the management of his institution.

Mr. FERNANDO WOOD. Will the gentleman from Massachusetts, before he sits down, please tell me whether Mr. Astor retires at his own request?

Mr. HOAR. Yes, sir.

Mr. WOOD. I am sorry for it, for he is one of the best belles-lettres scholars in the country. I will say, further, that I can not see what practical service these gentlemen render when they come here once a year for a day or two.

Mr. HOAR. I am glad the gentleman has made that suggestion. Suppose the gentleman from New York goes to Professor Henry with a paper composed by himself or some friend, or asking an investigation involving the use of apparatus or other expenditure from the funds of the Institution; Professor Henry refers that paper or that request for an examination to one of these scientific gentlemen; he sends it to him at his home, and he spends perhaps days or weeks in determining whether the paper is one proper to be published at the expense of the Smithsonian Institute, or whether the investigation is one fit to be pursued. This meeting once or twice a year in Washington is but a trifle to the labor which these five or six scientific gentle-

men perform in the course of the year. There is residing in my own city a gentleman, the librarian of the Antiquarian Society there, who prepared by the labor of years a very interesting and important paper upon the origin of races in this country—the aboriginal settlers of the country. That paper was published at the expense of the Smithsonian Institute, and now letters come from all parts of Europe testifying to the appreciation of the scientific world of that paper published by the Smithsonian Institute. Now, the man who is to pronounce upon the character of a publication, or upon the propriety of an examination, should be the best authority upon that special question in the country.

Mr. H. MAYNARD. I desire, in the first place, to make a verbal correction. My friend from Massachusetts has fallen into a common error in speaking of this establishment as the "Smithsonian Institute." James Smithson, who founded it, called it the "Smithsonian Institution."

Mr. HOAR. I am much obliged to the gentleman for that correction, and now will the gentleman be kind enough to state to the House with regard to the gentleman whose name he proposes, what special branch of science he has devoted himself to? I am not myself as familiar with his labors as perhaps I ought to be.

Mr. MAYNARD. I listened to the gentleman from Massachusetts with great pleasure and instruction, as I always do. We can best ascertain the character of the Regency of the Smithsonian Institution by giving the names and residences of those who recently constituted it. They are, Louis Agassiz, a citizen of Massachusetts; Theodore D. Woolsey, a citizen of Connecticut; William B. Astor, a citizen of New York; Peter Parker and William T. Sherman, citizens of Washington; and John Maclean, a citizen of New Jersey. All of these gentlemen, it will be seen, come within the category of the gentleman from Massachusetts; but the time has not yet come, and I trust it never may come, when the scientific talent of the country will be confined within a limited area.

The gentlemen proposed are all distinguished, and I did not predicate my motion upon any unfitness, suggested or implied, or intended to be understood in reference to the superior fitness of any one of them. I suggested what seemed to me to be a better and wiser administration of this great public trust, a trust committed to us in the presence of the civilized world, and for the wise administration of which we stand conspicuously responsible. My suggestion is that we should select the Regency from different portions of the land, so as to represent the vast geography of the whole country. The gentleman from Massachusetts asks me what have been the distinguishing studies and the character of the intellectual labors of the eminent gentleman whose name I have ventured to mention—a divine of eminence in the

Protestant Episcopal Church, and at the head of the leading university of my State, if not of the great Southwest. He is eminent for his high literary and scientific attainments, and has been a scholar all his life; and his head, like mine and that of my friend, begins to bleach from the effect of years. Many gentlemen on this floor are acquainted with him personally or by character, and there will be no controversy, I am sure, about his fitness for this duty. But I have placed the discussion upon higher ground. The question is, whether it is not a wiser, better, more politic arrangement, other things equal, to distribute these offices a little more, rather than to concentrate the whole Regency within a few States upon the Atlantic coast. With these remarks I leave the question.

Mr. JAMES MONROE. Mr. Speaker, I desire to say a word in regard to what has been said of the action of the committee on this subject. It is a matter of great delicacy to discuss this question here in the House to any great extent, and to discuss the multitude of names that would at once be offered here if the question of the claims of the several States were to be fully examined on this floor; for their claims are all very excellent and very valid. I am not without some sympathy with the local feeling expressed by the gentleman from Tennessee [Mr. Maynard]. As a member of the committee I represent Ohio. Now, Ohio is a State also; there is some land in Ohio; it is quite a piece of territory, and I could not help thinking of a large number of accomplished gentlemen and dear friends of mine in that State, some of whom I would be very glad to have named for these places, and men whom I know would have filled them with credit to themselves and with high usefulness to the objects of the Institution. But I saw at once that this was just one of those questions in which we must give up local preferences. In discussing a question of science, of all others, I imagine on the whole a man will be most useful who can be most capable, and who can yield most readily to local preference belonging to his own district. I recognized the necessity for that; and, although I had no doubt I had even in my own Congressional district, where there are four colleges of a very high order, the very best men in the world to fill these vacancies, I thought it quite right to make the great sacrifice of yielding up this question of the local claims of my Congressional district.

What is there of locality about these great names in science? Who cares anything about where their domicile is? How inferior any question of that sort is in comparison with the high commission upon which God has sent them into this world and the grand work they are accomplishing! Will anybody who hears me tell me that Professor Dana, of New Haven, is not a man in whom my own locality will be interested? He belongs to my locality; he belongs to my vicinage; he is my neighbor; he is one of the nearest and best of my neighbors;

he is by intellect among the men in whom my neighborhood has the deepest interest; he belongs to my neighborhood, and so do Professor Gray and Professor Agassiz. They have, by the services they have rendered and are rendering to science, secured the interest not only of New England, New York, but the interest of the whole world. And there is no better principle, Mr. Speaker, upon which to select these men than to search diligently for the best and put them in these places. We therefore thought it best upon the whole to make this report and secure its adoption by the House if we could.

Mr. S. S. Cox. I ask the gentlemen from Ohio to yield to me for a moment.

Mr. MONROE. I was going to demand the previous question on this matter, but I will yield to the gentleman from New York. I recognize his right to be heard.

Mr. Cox. I would not intrude my voice on the House on this question but for the fact that for some dozen of years I have been more or less associated with this Smithsonian regency; and I would say to the House we have never had any special need for men of financial ability, at least since I have been a Regent of the Smithsonian Institution. Our affairs have been conducted with economy. There has been no surplus which has not been used in a proper way, and there has been no deficiency. I supposed the Board of Regents had sent in the name of Mr. Stewart in place of Mr. Astor after some consultation with him, but I learn this committee has withdrawn the name of Mr. Stewart on the simple suggestion that his health is not good.

I propose to amend the amendment offered by the gentleman from Tennessee so as to replace the name of Mr. Alexander T. Stewart, of New York; and I do it for this reason: There is no special need or requirement for the presence of these Regents at Washington except once or twice a year. There is no special need for any culture in any particular line of science, on the part of some of the Regents at least, for we are supplied with men of that quality in the presidents and professors of colleges who are now there. But I will say, Mr. Speaker, on behalf of Mr. Stewart, who is perhaps entirely ignorant of these proceedings, that he adds to his great wealth, his wonderful mercantile ability, and his skill in finance, rare education and great refinement of culture. He would give strength, solidity, firmness, to this Institution. I think the original idea should be carried out and his name replaced. Then we would avoid all these discussions as to the particular localities which have been raised by the gentleman from Tennessee [Mr. Maynard] in the suggestion of a man from that State. I therefore move to amend the amendment of the gentleman from Tennessee by inserting the name of Alexander T. Stewart.

Mr. MONROE. I now yield five minutes to the gentleman from Pennsylvania [Mr. Storm], a member of the committee, after which I propose to call the previous question.

Mr. JOHN B. STORM. I hope that the resolution, as modified by the Committee on Education and Labor, will be adopted. That committee carefully considered the resolution referred to and came to the conclusion which they have reported. The name of Mr. Stewart was before that committee, together with several other names. After full discussion and interchange of views by the members of the committee they came to this conclusion, and I trust the action of the committee will be approved by this House at this time.

If we follow the course indicated by the gentleman from Tennessee [Mr. Maynard] and the gentleman from New York [Mr. Cox] I have no doubt that every gentleman upon this floor has some particular friend whom he would desire to honor by suggesting his name for this position. The committee have looked solely to the qualifications, scientific and literary, of the persons whose names have been suggested. If the gentleman can give one reason or state one single particular wherein Mr. Stewart is superior to Professor Coppée, I will yield to him. Mr. Stewart is a merchant of large business, engrossed and absorbed in mercantile pursuits. I dare say he would be entirely unable to pay any attention at all to any question that might be referred to him should he be appointed to this place.

Professor Coppée, as a scientific and literary man, is abreast with the age upon all questions of science, and is largely interested in metallurgy, civil engineering, and mining, questions which are now pressing themselves upon the attention of our colleges and schools, and the study of which is replacing the old study of the dead languages. He has given great attention to these matters and is to-day in Pennsylvania one of the leading scientific minds upon all these great questions in which the people have such a deep interest. I think that it is due to that class of our people that they should be represented upon the Board of Regents by such a man as Professor Coppée. He is in every way qualified for the place, and I think to strike him from the list proposed would be an ungracious act and one which the House would not desire to perform, and to replace him by a man who has nothing but his wealth to recommend him.

Professor Coppée has a thorough military training, has been honorably connected with some of our most honored colleges, and is now the president of the Packer University. He has published one of the best text-books we have on logic and rhetoric; he is the historian of General Grant, and his criticisms on the military movements of the Army in the late war are the best we have. He is a scholar of high attainments and of great financial ability, and his appointment would be a deserved compliment to his great talent.

Mr. MONROE. I now call the previous question.

The Speaker (Mr. JAMES G. BLAINE). Does the gentleman call the previous question on the bill and amendments?

Mr. MONROE. At the earnest request of gentlemen, I give my personal consent that a vote should be had upon the amendments.

Mr. S. J. RANDALL. Did the committee instruct you to do that?

Mr. MONROE. No; the committee gave me no instructions.

Mr. RANDALL. Then you can not permit it.

Mr. MONROE. I merely said that I was willing to have votes taken on these amendments.

Mr. G. F. HOAR. Allow me to make a suggestion. Should the House vote down the previous question and permit amendments to be in order, and the name of any gentleman should be proposed and rejected, it would put him in a very uncomfortable position. But if the House should sustain the previous question, it will determine that the House will adopt the recommendations of the committee as a whole. I hope, therefore, that the chairman [Mr. Monroe] will insist upon the previous question upon the bill without amendments.

Mr. MAYNARD. After having debated the matter for half an hour, I think that it is an unkind suggestion.

Mr. RANDALL. I think there is but one safe course for us to pursue in all such matters. We can not in this House canvass the personal merits or qualifications of individuals. I dare say that Mr. Stewart is a very proper man for the place. But the committee have fully examined the whole question and have made their report. I think the only safe course for us to pursue is to adopt the report of the committee.

In regard to Professor Coppée, allow me to say that he is a gentleman I have known for years. He is a professor in the university in which I was partly educated, and is without a superior in science or literature in this country. He would be a very worthy successor to Mr. Agassiz.

Mr. MONROE. I must now call the previous question.

The SPEAKER. Does the gentleman include amendments?

Mr. MONROE. I have given my consent personally. Am I the proper person to decide that question?

The SPEAKER. The only person.

Mr. MONROE. Then I will call for the previous question upon the bill and amendments of the gentleman from Tennessee [Mr. Maynard] and the gentleman from New York [Mr. Cox].

The previous question was seconded, and the main question ordered.

The SPEAKER. The gentleman from Tennessee [Mr. Maynard] moves to insert instead of the name of Henry Coppée, of Pennsylvania, the name of Thomas W. Humes, of Tennessee. The gentleman from New York [Mr. Cox] moves, as an amendment to the amendment, to insert, instead of the name of Mr. Humes, the name of Alexander T. Stewart, of New York. The first question is upon the amendment to the amendment.

The amendment to the amendment was not agreed to.

The question recurring on the amendment of Mr. Maynard, it was not agreed to.

The joint resolution was then passed.

*January 12, 1874—Senate.*

Mr. T. O. HOWE, from the Committee on the Library, to whom was referred the Senate resolution of January 5, 1874, asked to be discharged from its further consideration, and that it be indefinitely postponed. Agreed to.

The same committee, to whom was referred the joint resolution from the House filling existing vacancies in the Board of Regents of the Smithsonian Institution, reported it back without amendment, and with the recommendation that it pass; which was ordered to lie over.

*January 13, 1874—Senate.*

Mr. J. W. STEVENSON moved to take up the joint resolution from the House providing for the appointment and reappointment of Regents of the Smithsonian Institution, which on January 12 was ordered to lie over, and it was read a third time and passed.

*January 19, 1874.*

*Resolved, etc.,* That the existing vacancies in the Board of Regents of the Smithsonian Institution of the class other than members of Congress, shall be filled by the appointment of Asa Gray, of Massachusetts, in place of Louis Agassiz, deceased; J. D. Dana, of Connecticut, in place of Theodore D. Woolsey; and Henry Coppée, of Pennsylvania, in place of W. B. Astor; and John Maclean, and Peter Parker, whose terms have expired, shall be reappointed.

(Stat., XVIII, Part 3, 285.)

*December 10, 1874—Senate.*

Mr. H. HAMLIN offered joint resolution:

That the existing vacancy in the Board of Regents of the Smithsonian Institution, of the class other than members of Congress, shall be filled by the appointment of George Bancroft, of the city of Washington, in place of William T. Sherman, resigned.

Mr. HAMLIN. I will say only that there is an existing vacancy, as stated in that resolution, occasioned by the resignation of General Sherman, who has moved from this city. The law requires that that Regent shall be from the city. Mr. Bancroft, the eminent historian, has come here to reside. All three of the Board of Regents on the part of this body think it is eminently fitting that he should be designated by Congress to fill that existing vacancy.

Adopted.

*December 11, 1874—House.*

On motion by Mr. SAMUEL HOOPER, the joint resolution appointing George Bancroft a Regent of the Smithsonian Institution, in place of William T. Sherman, resigned, was taken up and passed.

*December 18, 1874.*

*Resolved, etc.,* That the existing vacancy in the Board of Regents of the Smithsonian Institution, of the class other than members of Congress, shall be filled by the appointment of George Bancroft, of the city of Washington, in place of William T. Sherman, resigned.

(Stat., XVIII, Part 3, 523.)

REPORT OF SMITHSONIAN INSTITUTION.

*February 13, 1874—Senate.*

Annual report for 1873 laid before the Senate.

Mr. H. HAMLIN offered the following:

*Resolved (the House of Representatives concurring),* That 12,500 additional copies of the report of the Smithsonian Institution for the year 1873 be printed, 2,500 of which shall be for the use of the Senate, 5,000 for the use of the House, and 5,000 for the use of the Institution: *Provided,* That the aggregate number of pages of said report shall not exceed 450, and that there shall be no illustrations except those furnished by the Smithsonian Institution.

*February 20, 1874—Senate.*

Mr. H. B. ANTHONY. The Committee on Printing, to whom was referred a resolution to print extra copies of the report of the Smithsonian Institution, have directed me to report it back with amendments and to ask for its present consideration.

The Committee on Printing proposed to amend the resolution so as to make it read:

*Resolved (the House of Representatives concurring),* That 7,500 additional copies of the report of the Smithsonian Institution for the year 1873 be printed, 500 of which shall be for the use of the Senate, 1,000 for the use of the House, and 6,000 for the use of the Institution.

Mr. ANTHONY. The customary publication of this document has been 12,500 copies; 5,000 for the use of the Smithsonian Institution, 2,500 for the use of the Senate, and 5,000 for the use of the House of Representatives. We now have reported to increase the number to the Institution from 5,000 to 6,000, to reduce the number for the Senate from 2,500 to 500, and to reduce the number for the House from 5,000 to 1,000. If the number for Congress is reduced so much, the Institution will require a little more, so the Regents think. This, I believe, is the first resolution that the Committee on Printing have reported at this session for printing any additional documents. The number is exceedingly small, and it is the intention of those who are best acquainted with the Institution, especially of those who have been charged on the part of Congress with participation in its management, that there should be some extra copies, and in deference to them we have made the recommendation.

Mr. LOT M. MORRILL, of Maine. I should like to inquire of the Senator from Rhode Island whether he is aware of the fact that Congress, in the early part of the session, passed a resolution suspending

the publication of documents, and whether this is in harmony with the expression of Congress?

Mr. ANTHONY. That has not passed the House.

Mr. MORRILL. It passed the Senate.

Mr. ANTHONY. If the Senator asks my judgment, I think this is not in conformity with that.

Mr. MORRILL. I should think that until the Senate reconsiders that proposition we ought to adhere to it. Yesterday some proposition came from the Committee on Printing of a similar kind.

Mr. ANTHONY. What one?

Mr. MORRILL. Recommending the publication of some document.

Mr. ANTHONY. That was for the use of the proper Department, not for the use of Congress. It was only 500 copies of a medical report that was thought to be valuable for scientific purposes, and they are to be distributed entirely by the Department.

Mr. MORRILL. I think we ought not to go into retail in printing when in wholesale we have resolved not to print; and I do think it is wise to adhere to the resolution that we passed, at least until some full understanding as to the publication and distribution of documents is had.

Mr. ANTHONY. I do not think we are bound by a proposition that has only passed one House of Congress; but I am not a lawyer, and I will leave that to the Senator from Maine.

Mr. MORRILL. I think we should have a little respect for our own action, whether the House chooses to concur or not.

Mr. H. HAMLIN. I wish to state a fact. I may say in behalf of the Smithsonian Institution that I think this is entirely distinct from the documents which we publish sent to us from the Departments or which emanate from our committees. This is purely a scientific work. It is the annual report of the Smithsonian Institution, made in pursuance of law to this body. To myself it may seem of very much less value than to many others, but I think no man can ever examine a single report of that Institution without being impressed with its great value. These reports are for the general reader perhaps of little use, being somewhat technical and scientific, but yet they are of immense value to the world, and they are transmitted all over the world, and we receive back in exchange the scientific reports of different societies and different governments. I think this stands entirely distinct from the documents ordinarily printed by Congress; and I do not think the law or resolution to which my colleague refers ought to apply to this report, if it does technically; and if it does, this has got to pass the ordeal of the House, and it must be by a concurrent vote, which will express their opinion that this stands distinct from other matters, as well as our own. I hope the resolution will be concurred in.

Mr. ALEX. RAMSEY. I will say to the Senator that the committee have it under consideration.

Mr. FRELINGHUYSEN. I hope Congress will adopt some measure by which that which transpires here may be circulated and disseminated among the people. At a large expense we print every day a record of the proceedings of Congress. What good does it do? The people do not get it. No provision is made for its circulation.

Now, as to the idea that the people are opposed to this, I was very much struck by a remark which was made—I do not know but that it was in one of the articles which were read here yesterday—that a million of people might petition Congress, but we must remember there are thirty-nine millions that are not heard from. I believe the people want information as to what transpires here, and it is their right to have it, and it is our duty to give them the opportunity to know what we do.

Mr. H. B. ANTHONY. I believe when this report was presented the usual number was ordered to be printed. If not, I will make that motion. That number ought to be printed at any rate.

The President pro tempore (Mr. M. H. CARPENTER). It was ordered. The Chair understands objection to be made to the further consideration of the resolution.

Mr. MORRILL, of Maine. Yes, sir.

The PRESIDENT pro tempore. The resolution will lie over.

*February 27, 1874—Senate.*

Mr. H. HAMLIN. I move to take up the resolution for the printing of the Smithsonian report. I think it will detain the Senate but a moment. It was up the other morning.

Agreed to.

Mr. HAMLIN. My colleague interposed some objection to the resolution because there were 500 copies provided for in it for the Senate and 1,000 for the House. I have conferred with my colleague, and I have also conferred with the Senator who reported the resolution, and with their concurrence I move now to strike out the whole number appropriated to both the Senate and House. That will be my first motion. I shall follow that with another motion to increase the number to the Smithsonian Institution by 1,500, which is just the number stricken out. That takes away entirely the objection to printing any copies for our own distribution. I transfer that number to the Institution for this reason: I take it every Senator, like myself, has supplied the principal libraries of the State for years with this work. They will want it, and they will cease to call upon us, but they will call upon the Institution for it, and that number which was proposed for the Senate and for the House will be transferred there, and there they will find them.

I want to say also, in this connection, that by an exchange of this

very work with foreign societies and foreign governments we add to our Congressional Library works of value, amounting to between 2,000 and 3,000 volumes annually.

The President pro tempore (Mr. M. H. CARPENTER). The resolution will be read as proposed to be amended.

The CHIEF CLERK. If amended as proposed by the Senator from Maine, the resolution will read:

*Resolved (the House of Representatives concurring), That 7,500 additional copies of the report of the Smithsonian Institution for the year 1873 be printed for the use of the Institution: Provided, That the aggregate number of pages of said report shall not exceed 450, and that there shall be no illustrations except those furnished by the Smithsonian Institution.*

The resolution as amended agreed to.

*May 15, 1874—House.*

Mr. W. G. DONNAN, from the Committee on Printing, reported back, with the recommendation that it be concurred in, concurrent resolution from the Senate:

That 7,500 additional copies of the report of the Smithsonian Institution for the year 1873 be printed for the use of the Institution: *Provided, That the aggregate number of pages of said report shall not exceed 450, and that there be no illustrations except those furnished by the Smithsonian Institution.*

Mr. W. S. HOLMAN. Does that resolution propose to give all the copies to the Smithsonian Institution?

Mr. DONNAN. I desire to say to the House that this resolution proposes 5,000 less than the usual number of copies, but we make no provision for furnishing any copies to members of Congress. The whole number is for the Smithsonian Institution.

Mr. HOLMAN. It seems to me that there ought to be some copies for members of Congress. I think it would be fair not to increase the number, but to divide it up so that a portion shall be distributed by Senators and members of the House.

Mr. DONNAN. This is a Senate resolution, and it was believed, inasmuch as members of Congress have no means of distributing the documents, that they could obtain such copies as they desired for their own use from the Institution.

Mr. HOLMAN. I think it would be better to have a small number provided for members of Congress. Most of us are perfectly willing to send them to our constituents. I think one-third of the number should be furnished for the use of members of Congress. What is the number which the resolution proposes to have printed?

Mr. DONNAN. Seventy-five hundred for distribution by the Smithsonian Institution.

Mr. HOLMAN. Seventy-five hundred all together?

Mr. DONNAN. Yes; and the usual number was 12,000.

Mr. HOLMAN. Then I would move to amend the resolution so that

3,000 copies shall be furnished to the Senate and House—2,000 for the House and 1,000 for the Senate—and that the remaining 4,500 shall be for the Institution.

Mr. DONNAN. I have no objection to the House voting on that amendment.

Mr. E. R. HOAR. I did not understand whether the motion of the gentleman from Indiana was to add to the number.

Mr. HOLMAN. No; but to divide the number proposed so as to give a portion to the Senate and to the House.

Mr. HOAR. I desire to say that this number is only what the Smithsonian Institution desires for distribution, according to its systems, among the libraries and colleges of the country, and for its exchanges. I do not think it would be proper or wise for the House to take away a part of the ordinary number furnished to this Institution for the purpose of distributing this document to favored constituents of members of the House. If members desire copies for distribution I think they should add to and not diminish the regular supply to the Institution. I move to amend the amendment so that the number proposed for the House and Senate shall be in addition to the number proposed by the resolution.

Agreed to.

The resolution as amended was concurred in.

*December 14, 1874—Senate.*

On motion of Mr. A. A. SARGENT the House resolution of May 15, 1874, ordering 10,500 extras of the report of the Institution for 1873, was taken up and adopted.

*January 26, 1875—House.*

Annual report for the year 1874 laid before the House of Representatives and ordered to be printed.

*February 8, 1875—House.*

Mr. G. F. HOAR moved to have additional copies of the report of the Smithsonian Institution printed.

*February 24, 1875—House.*

Mr. W. G. DONNAN, from the Committee on Printing, reported concurrent resolution:

That 10,500 copies of the report of the Smithsonian Institution for the year 1874 be printed, 2,000 copies of which shall be for the use of the House of Representatives, 1,000 for the use of the Senate, and 7,500 for the use of the Institution: *Provided*, That the aggregate number of pages of said report shall not exceed 450, and that there shall be no illustrations except those furnished by the Smithsonian Institution.

Agreed to.

*February 27, 1875—Senate.*

Mr. H. B. ANTHONY, from the Committee on Printing, reported back the resolution of House of February 24, which was concurred in.

## INTERNATIONAL EXCHANGES.

*June 20, 1874.*

Legislative, executive, and judicial act for 1875.

Library of Congress: For expenses of exchanging public documents for the publications of foreign governments, \$1,500.

(Stat., XVIII, Part 3, 88.)

*March 3, 1875.*

Legislative, executive, and judicial act for 1876.

Library of Congress: For expenses of exchanging public documents for the publications of foreign governments, \$1,500.

(Stat., XVIII, Part 3, 347.)

## DOCUMENTS.

*June 20, 1874.*

*Be it enacted, etc.* \* \* \*

SEC. 6. That at the close of every session of Congress the Secretary of State shall cause to be distributed pamphlet copies of the acts and resolves of Congress for that session, edited and printed in the manner aforesaid, as follows: To the \* \* \* Smithsonian Institution, five copies. \* \* \*

SEC. 7. That after the close of each Congress the Secretary of State shall have edited, printed, and bound a sufficient number of the volumes containing the Statutes at Large enacted by that Congress to enable him to distribute copies, or as many thereof as may be needed, as follows: To the \* \* \* Smithsonian Institution, two copies. \* \* \*

(Stat., XVIII, Part 3, 113.)

## ACT OF ORGANIZATION OF THE SMITHSONIAN INSTITUTION.

*June 22, 1874.*

Revised Statutes.

Preamble.—James Smithson, esq., of London, in the Kingdom of Great Britain, having by his last will and testament given the whole of his property to the United States of America, to found, at Washington, under the name of the “Smithsonian Institution,” an establishment for the increase and diffusion of knowledge among men; and the United States having, by an act of Congress, received said property and accepted said trust; therefore, for the faithful execution of said trust, according to the will of the liberal and enlightened donor,

SEC. 5579. The President, the Vice-President, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Postmaster-General, the Attorney-General, the Chief Justice, the Commissioner of the Patent Office, and the governor of

the District of Columbia, and such other persons as they may elect honorary members, are hereby constituted an establishment, by the name of the "Smithsonian Institution," for the increase and diffusion of knowledge among men; and by that name shall be known and have perpetual succession, with the powers, limitations, and restrictions hereinafter contained, and no other.

SEC. 5580. The business of the Institution shall be conducted at the city of Washington by a Board of Regents, named the Regents of the Smithsonian Institution, to be composed of the Vice-President, the Chief Justice of the United States, and the governor of the District of Columbia, three members of the Senate and three members of the House of Representatives; together with six other persons other than members of Congress, two of whom shall be resident in the city of Washington; and the other four shall be inhabitants of some State, but no two of them of the same State.

SEC. 5581. The Regents to be selected shall be appointed as follows: The members of the Senate by the President thereof; the members of the House by the Speaker thereof; and the six other persons by joint resolution of the Senate and House of Representatives. The members of the House so appointed shall serve for the term of two years; and on every alternate fourth Wednesday of December a like number shall be appointed in the same manner, to serve until the fourth Wednesday in December, in the second year succeeding their appointment. The Senators so appointed shall serve during the term for which they shall hold, without reelection, their office as Senators. Vacancies, occasioned by death, resignation, or otherwise, shall be filled as vacancies in committees are filled. The regular term of service for the other six members shall be six years; and new elections thereof shall be made by joint resolutions of Congress. Vacancies occasioned by death, resignation, or otherwise may be filled in like manner by joint resolution of Congress.

SEC. 5582. The Regents shall meet in the city of Washington and elect one of their number as Chancellor, who shall be the presiding officer of the Board of Regents, and called the Chancellor of the Smithsonian Institution, and a suitable person as Secretary of the Institution, who shall also be the Secretary of the Board of Regents. The Board shall also elect three of their own body as an executive committee, and the Regents shall fix on the time for the regular meetings of the Board; and, on application of any three of the Regents to the Secretary of the Institution, it shall be his duty to appoint a special meeting of the Board of Regents, of which he shall give notice, by letter, to each of the members; and, at any meeting of the Board, five shall constitute a quorum to do business. Each member of the Board shall be paid his necessary traveling and other actual expenses, in attending meetings of the Board, which shall be audited by the

executive committee, and recorded by the Secretary of the Board; but his service as Regent shall be gratuitous.

SEC. 5583. The Secretary of the Board of Regents shall take charge of the building and property of the Institution, and shall, under their direction, make a fair and accurate record of all their proceedings, to be preserved in the Institution; and shall also discharge the duties of librarian and of keeper of the museum, and may, with the consent of the Board of Regents, employ assistants.

SEC. 5584. The Secretary and his assistants shall, respectively, receive for their services such sum as may be allowed by the Board of Regents, to be paid semiannually on the 1st day of January and July; and shall be removable by the Board of Regents whenever, in their judgment, the interests of the Institution require such removal.

SEC. 5585. The members and honorary members of the Institution may hold stated and special meetings, for the supervision of the affairs of the Institution and the advice and instruction of the Board of Regents, to be called in the manner provided for in the by-laws of the Institution, at which the President, and in his absence the Vice-President, shall preside.

SEC. 5586. Whenever suitable arrangements can be made from time to time for their reception, all objects of art and of foreign and curious research, and all objects of natural history, plants, and geological and mineralogical specimens belonging to the United States, which may be in the city of Washington, in whosoever custody they may be, shall be delivered to such persons as may be authorized by the Board of Regents to receive them, and shall be so arranged and classified in the building erected for the Institution as best to facilitate the examination and study of them; and whenever new specimens in natural history, geology, or mineralogy, are obtained for the museum of the Institution, by exchanges of duplicate specimens, which the Regents may in their discretion make, or by donation, which they may receive, or otherwise, the Regents shall cause such new specimens to be appropriately classed and arranged. The minerals, books, manuscripts, and other property of James Smithson, which have been received by the Government of the United States, shall be preserved separate and apart from other property of the Institution.

SEC. 5587. The Regents shall make, from the interest of the fund, an appropriation, not exceeding an average of \$25,000 annually, for the gradual formation of a library composed of valuable works pertaining to all departments of human knowledge. [See secs. 94, 99, 100.]

SEC. 5588. The site and lands selected for buildings for the Smithsonian Institution shall be deemed appropriated to the Institution, and the record of the description of such site and lands, or a copy thereof, certified by the Chancellor and Secretary of the Board of Regents, shall be received as evidence in all courts of the extent and boundaries of the lands appropriated to the Institution.

SEC. 5589. All laws for the protection of public property in the city of Washington shall apply to, and be in force for, the protection of the lands, buildings, and other property of the Smithsonian Institution. All moneys recovered by or accruing to, the Institution shall be paid into the Treasury of the United States, to the credit of the Smithsonian bequest, and separately accounted for.

SEC. 5590. So much of the property of James Smithson as has been received in money, and paid into the Treasury of the United States, being the sum of \$541,379.63, shall be lent to the United States Treasury, at 6 per centum per annum interest; and 6 per centum interest on the trust-fund and residuary legacy received into the United States Treasury, payable in half-yearly payments, on the 1st of January and July in each year, is hereby appropriated for the perpetual maintenance and support of the Smithsonian Institution; and all expenditures and appropriations to be made, from time to time to the purposes of the Institution shall be exclusively from the accruing interest, and not from the principal of the fund. All the moneys and stocks which have been, or may hereafter be, received into the Treasury of the United States, on account of the fund bequeathed by James Smithson, are hereby pledged to refund to the Treasury of the United States the sums hereby appropriated.

SEC. 5591. The Secretary of the Treasury is authorized and directed to receive into the Treasury, on the same terms as the original bequest of James Smithson, such sums as the Regents may, from time to time, see fit to deposit, not exceeding, with the original bequest, the sum of \$1,000,000.

SEC. 5592. The Regents are authorized to make such disposal of any other moneys which have accrued, or shall hereafter accrue, as interest upon the Smithsonian fund, not herein appropriated, or not required for the purposes herein provided, as they shall deem best suited for the promotion of the purpose of the testator.

SEC. 5593. Whenever money is required for the payment of the debts or performance of the contracts of the Institution, incurred or entered into in conformity with the provisions of this title, or for making the purchases and executing the objects authorized by this title, the Board of Regents, or the executive committee thereof, may certify to the Chancellor and secretary of the Board that such sum of money is required, whereupon they shall examine the same, and, if they shall approve thereof, shall certify the same to the proper officer of the Treasury for payment. The Board shall submit to Congress, at each session thereof, a report of the operations, expenditures, and condition of the Institution.

SEC. 5594. Congress may alter, amend, add to, or repeal any of the provisions of this title; but no contract or individual right made or acquired under such provisions shall be thereby divested or impaired.

(Rev. Stat., 1875, pp. 1088-1090.)

## PUBLIC PRINTING.

*June 22, 1874.*

SEC. 196. The head of each Department, except the Department of Justice, shall furnish to the Congressional Printer copies of the documents usually accompanying his annual report, on or before the 1st day of November in each year, and a copy of his annual report on or before the 3d Monday of November in each year.

(Rev. Stat., 2d edition, 1878, 31.)

## POLARIS EXPEDITION.

*June 23, 1874.*

Act for the relief of Mercy Ann Hall, widow of Capt. Charles F. Hall.

*Be it enacted, etc.,* That the Secretary of the Navy is hereby authorized and directed to allow and settle the salary of Charles F. Hall, late in command of the *Polaris* expedition, to December 31, 1873, and pay the balance to his widow, Mercy Ann Hall.

SEC. 2. That the Secretary of the Navy is hereby authorized to purchase from the said Mercy Ann Hall the manuscripts of said Charles F. Hall relative to his several voyages and explorations in the north seas, at a price not exceeding \$15,000, and, in case of purchase, to deposit the same with the officers of the Smithsonian Institution for safe-keeping, examination, and report to Congress.

SEC. 3. That the sum of \$16,936, or so much thereof as may be necessary, is hereby appropriated to carry out the provisions of this act.

(Stat., XVIII, Part 3, 614.)

*March 3, 1875.*

Deficiency act for 1875, etc.

For printing illustrations of the results of the *Polaris* expedition, under the direction of the Secretary of the Navy, \$15,000.

(Stat., XVIII, Part 3, 409.)

## NATIONAL MUSEUM—ESTIMATES.

*December 7, 1874—House.*

Estimates for 1876.

Preservation of the collections of the surveying and exploring expeditions of the Government, \$25,000.

Smithsonian Institution building: Fitting up new halls required for Government collections, \$10,000.

*December 7, 1874—House.*

SIR: \* \* \* I have also included an estimate for the preparation of a series of illustrations of the American fisheries and their products for exhibition at the Centennial Exposition at Philadelphia in 1876. The object is one of great interest and practical importance, and a proper presentation can only be made by Government aid.

It is proposed to furnish a complete series of illustrations or models of all the different kinds of vessels and boats of every grade used in the various fisheries on the coast and in the interior, together with the apparatus employed, of whatever kind, including not only what relates to the fishes properly so called, but also to the whales, seals, oysters, lobsters, sponges, etc.

Such an exhibition has always constituted an important feature in the national displays at foreign exhibitions, and unless steps are taken immediately by the Government toward that object, there is no probability that anything of the kind will be prepared for the particular occasion in question.

The collection will also embrace specimens of the various products of the fisheries, both in their crude and manufactured condition, with illustrations of the objects themselves, including plaster casts, carefully colored, of life-size, of such fishes as can not be otherwise properly exhibited. This collection will finally form, appropriately, a portion of the National Museum at Washington.

Very respectfully,

SPENCER F. BAIRD,  
*Commissioner of Fish and Fisheries.*

The SECRETARY OF THE TREASURY.

#### NATIONAL MUSEUM—APPROPRIATIONS.

*June 20, 1874.*

Legislative, executive, and judicial act for 1875.

For official postage stamps for the National Museum in the Smithsonian Institution, \$1,000.

(Stat., XVIII, Part 3, 103.)

*June 23, 1874.*

Sundry civil act for 1875.

Smithsonian Institution: For preservation of the collections of the surveying and exploring expeditions of the Government, \$20,000; and for fitting up and completing the cases in the new halls required for the Government collections, \$10,000; in all, \$30,000.

(Stat., XVIII, Part 3, 216.)

*March 3, 1875.*

Legislative, executive, and judicial act for 1876.

For official postage stamps for the National Museum in the Smithsonian Institution, \$1,000.

(Stat., XVIII, Part 3, 364.)

*March 3, 1875.*

Sundry civil act for 1876.

Smithsonian Institution: For preservation of the collections of the surveying and exploring expeditions of the Government, \$20,000;

For fitting up new halls required for the Government collections, \$10,000;

To complete the heating apparatus of the National Museum, \$2,500.  
(Stat., XVIII, Part 3, 387.)

REGENTS TO HAVE USE OF LIBRARY OF CONGRESS

*March 2, 1875—Senate.*

The Vice-President (Mr. HENRY WILSON) laid before the Senate a bill extending the privileges of the Library of Congress to the Regents of the Smithsonian Institution:

*Be it enacted, etc.,* That the Joint Committee of both Houses of Congress on the Library be authorized to extend the use of the books in the Library of Congress to the Regents of the Smithsonian Institution resident in Washington, on the same conditions and restrictions as members of Congress are allowed to use the Library.

Passed.

*March 2, 1875—House.*

Mr. G. F. HOAR introduced a bill extending the privileges of the Library of Congress to the Regents of the Smithsonian Institution.  
Passed.

*March 3, 1875.*

*Be it enacted, etc.,* That the Joint Committee of both Houses of Congress on the Library be authorized to extend the use of the books in the Library of Congress to the Regents of the Smithsonian Institution resident in Washington, on the same conditions and restrictions as members of Congress are allowed to use the Library.

(Stat., XVIII, Part 3, 512.)

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FORTY-FOURTH CONGRESS, 1875-1877.

*August 3, 1876.*

Restoration of the original Declaration of Independence.

*Resolved, etc.,* That a commission, consisting of the Secretary of the Interior, the Secretary of the Smithsonian Institution, and the Librarian of Congress, be empowered to have resort to such means as will most effectually restore the writing of the original manuscript of the Declaration of Independence, with the signatures appended thereto, now in the United States Patent Office; and that the expense attending the same be defrayed out of the contingent fund of the Interior Department.

(Stat., XIX, 216.)

INTERNATIONAL EXCHANGES.

*August 15, 1876.*

Legislative, executive, and judicial act for 1877.

Library of Congress: For expenses of exchanging public documents for the publications of foreign governments, \$1,000.

(Stat., XIX, 147.)

*March 3, 1877.*

Legislative, executive, and judicial act for 1878.

Library of Congress: For expenses of exchanging public documents for the publications of foreign governments, \$1,000.

(Stat., XIX, 298.)

INDIAN STATISTICS AND HISTORY.

*August 15, 1876.*

Indian service act for 1877.

For continuing the collection of statistics and historical data respecting the Indians of the United States, under the direction of the Secretary of the Interior, \$3,500: *Provided*, That when sufficient matter to make a volume of statistics and historical data is prepared it shall be submitted to the Commissioner of Indian Affairs and referred by him to the Regents of the Smithsonian Institute [Institution], and published on their written approval.

(Stat., XIX, 197.)

NATIONAL MUSEUM BUILDING.

*January 26, 1877—Senate.*

The President pro tempore (Mr. THOMAS W. FERRY) presented a resolution of the Board of Regents of the Smithsonian Institution, adopted at a meeting held January 24, 1877, asking an appropriation by Congress for the erection of a suitable building in connection with the present edifice for the accommodation of additional collections.

Referred to the Committee on Public Buildings and Grounds.

*February 2, 1877—House.*

The Speaker (Mr. MICHAEL C. KERR) laid before the House a preamble and resolution from the Board of Regents of the Smithsonian Institution relative to additional room for the collections of the Institution.

Referred to the Committee on Appropriations.

*February 6, 1877—Senate.*

Mr. J. J. STEVENSON. I desire to present a memorial from the Regents of the Smithsonian Institution, which I desire to have read. It will be found to refer to a subject in which the entire country must, I am sure, feel a very deep interest.

It is known to the Senate that the Smithsonian Institution was represented at the late Centennial Exhibition at Philadelphia. At the close of that exposition a number of the foreign powers there represented and who contributed to that grand national display, at its close generously donated to the Smithsonian Institution most of their articles and products there exhibited. A list of the articles donated and the names of the donors accompany this memorial. Among these gifts will be found an exquisite pair of vases valued at some \$17,000.

The motive which prompted these donations to the Smithsonian Institution was unquestionably one of amity and respect entertained by the foreign powers donating them for the Government of the United States. But unquestionably these donors expected that this Government would through the agency of the Smithsonian Institution keep these articles thus donated on public exhibition, and in this way the respective products of each country would become known to the people of our entire country.

The articles donated are valuable, rare, varied, and occupy much space. They are all, I believe, now stored in Philadelphia, for the reason that the Smithsonian Institution has no building in which they can be either exhibited or safely preserved. They must remain, therefore, in boxes, subject to injury and to decay, unless Congress shall take some immediate action toward the erection of a building in all respects suitable for their exhibition and preservation. The capacity of such a building is estimated by competent architects to be four times as large as the Smithsonian building. A plan of such a structure has been already drawn by General Meigs. Its estimated cost will not exceed \$200,000.

The Regents of the Institution by this memorial ask Congress to make at once the necessary appropriation. If it be promptly done, a beautiful and capacious building can be put up and finished by the assembling of Congress in December next. Of course, this memorial should go first to the Committee on Public Buildings and Grounds. The prompt erection of the proposed building is a public necessity which I hope will commend itself to the judgment of that committee, and I trust they will at the earliest moment make a report. I submit that the honor and good faith of our country seems to demand and require prompt and liberal action by Congress. That is all I have now to suggest.

Mr. ROSCOE CONKLING. What is the worth of these articles?

Mr. STEVENSON. It is stated in the memorial that the estimated value is a million dollars. I ask that the memorial be now read.

*To the Senate and House of Representatives of the United States of America in Congress assembled:*

The undersigned, Regents of the Smithsonian Institution, beg leave respectfully to lay before you a question which has suddenly arisen, and which can be solved only by your authority.

In the year 1846, on the organization of the Smithsonian Institution "for the increase and diffusion of knowledge among man," Congress, to the great relief of the Patent Office and other public buildings, devolved upon the Regents of that Institution the custody of "all objects of art and of foreign and curious research, and all objects of natural history, plants, and geological and mineralogical specimens belonging or hereafter to belong to the United States, which may be in the city of Washington."

In accordance with the enactment the Institution has received and carefully preserved all the specimens which have been brought together from more than fifty public exploring expeditions, and has added specimens collected by itself or obtained from foreign museums by exchange, till its present edifice in the beginning of 1876 had become full to overflowing.

By an act bearing date July 31, 1876, additional duties were laid upon the Smithsonian Institution as custodian, and \$4,500 were appropriated "for repairing and fitting up the so-called Armory building on the Mall, between Sixth and Seventh streets, and to enable the Smithsonian Institution to store therein and to take care of specimens of the extensive series of the ores of the precious metals, marbles, building stones, coals, and numerous objects of natural history now on exhibition in Philadelphia, including other objects of practical and economical value presented by various foreign governments to the National Museum."

As a fruit of this act of the General Government, the Smithsonian Institution finds itself the custodian of enormous collections that had been displayed at the Centennial Exposition, and on closing of that exhibition had been presented to the United States. These donations are made by individuals among our own citizens, by foreign exhibitors, and by several of the States of the Union; and there is scarcely a power in the civilized world in any region of the globe which has not taken part in the contributions, and some of them with the largest generosity. Men of science most competent to pass judgment pronounce them to be of immense value, and are of opinion that, including the gift from States of the Union and the exhibits of the United States, they could not have been brought together by purchase for less than a million of dollars.

That the magnitude and value of the donations from foreign governments may be manifest, we annex to this memorial a list of the more important of them, as prepared by Prof. S. F. Baird, who represented the Smithsonian Institution at Philadelphia.

Their adequate exhibition requires an additional building which shall afford at least four times the space furnished by the present edifice of the Institution.

The Government of the United States is now in possession of the materials of a museum exhibiting the natural products of our own country associated with those of foreign nations which would rival in magnitude, value, and interest the most celebrated museums of the Old World.

The immediate practical question is, Shall these precious materials be for the most part packed away in boxes, liable to injury and decay, or shall they be exhibited?

It was the act of Congress which ordered the acceptance in trust of these noble gifts to the United States. The receiving of them implies that they will be taken care of in a manner corresponding to the just expectations of those who gave them; and one of the prevailing motives of the donors was that the productions of their several lands might continue to be exhibited. The intrinsic value of the donations is moreover enhanced by the circumstances under which they were made. They came to us in the one hundredth year of our life as a nation, in token of the desire of the governments of the world to manifest their interest in our destiny. This consideration becomes the more pleasing when we bring to mind that these gifts have been received, not exclusively from the great nations of Europe from which we are sprung, or from the empire and republics on our own continent beyond the line, but that they come to us from the oldest abode of civilization on the Nile, from the time-honored empires and kingdoms of the remotest eastern Asia, and from the principal

states which are rising into intellectual and industrial and political greatness in the farthest isles and continent; from states which are younger than ourselves and bring their contributions as a congratulatory offering to their elder brother.

We have deemed it our duty to lay these facts and reflections before both Houses of Congress and to represent to them that, if they, in their wisdom, think that this unequalled accumulation of natural specimens and works interesting to science, the evidence of the good will to us that exists among men, should be placed where it can be seen and studied by the people of our own land and by travelers from abroad, it will be necessary to make an appropriation for the immediate erection of a spacious building. Careful inquiries have been instituted to ascertain the smallest sum which would be adequate to that purpose; and the plan of a convenient structure has been made by General Meigs, the Quartermaster-General, United States Army. We beg leave further to represent that to accomplish the purpose there would be need of an appropriation of \$250,000. This amount is required not as a first installment, to be followed by others, but as sufficient entirely to complete the edifice.

Should this appropriation be made at an early day the building could be ready for the reception of articles before the next session of Congress.

M. R. WAITE,  
T. W. FERRY,  
H. HAMLIN,  
J. W. STEVENSON,  
A. A. SARGENT,  
HIESTER CLYMER,  
BENJ. H. HILL,  
GEO. W. MCCRARY,  
PETER PARKER,  
ASA GRAY,  
GEO. BANCROFT,

*Regents of Smithsonian Institution.*

WASHINGTON, *February 5, 1877.*

Mr. J. S. MORRILL. I desire to say to the Senate that the Committee on Public Buildings and Grounds have already had the subject before them and would have made a report before this time, but we understood that the same subject was before a committee of the House, where it was being favorably considered. As I have stated in years past, it has seemed to be a necessity that we should provide for a National Museum. It has been the opinion of the Committee on Public Buildings and Grounds on the part of the Senate, I believe unanimously, for some years, that we ought to take all of the squares next east of the public grounds, throughout the length and breadth on the north and south range of one square, taking one square in depth and the whole length, for the purpose of a National Museum and Congressional Library; and evidently this matter should be provided for at once. The National Armory, I understand, is already filled from basement to top.

Mr. A. A. SARGENT. With boxes without any opportunity for display.

Mr. MORRILL. With boxes without any opportunity of displaying their contents; and there are at this time, as I am informed, at least fifty carloads of articles that have been given to us by foreign gov-

ernments. Thirty-two or thirty-three out of the forty nationalities abroad have given us their entire exhibits at the Centennial Exhibition. Their money value is scarcely computable, but if it were to be computed it exceeds our own, as large as our exhibits were there and as creditable to the country. Our own, I believe, in money value, have been computed at \$400,000. These foreign exhibits are computed, at least in money value, at the sum of \$600,000, but in historical and scientific interest they perhaps surpass anything that has been assembled in any national museum on the globe.

I shall, therefore, hope to receive favorable consideration of the report of the Committee on Public Buildings and Grounds at an early day, if in the meantime we do not receive a bill from the House on the subject.

Mr. J. W. STEVENSON. I now move, Mr. President, that this memorial be referred to the Committee on Public Buildings and Grounds. Allow me to add a single word. I hope that speedy action will be had by both the Senate and the committee. I hope this building will be put on the Smithsonian grounds. There is ample room on that square without the cost of additional ground. Professor Henry assures me that with the erection of the contemplated building on the plan of General Meigs, with the articles now on exhibition in the Smithsonian Institution, with those just donated, we shall have the nucleus of a National Museum which in a few years will equal any in the world.

Mr. SARGENT. Accompanying this memorial is a list of the various articles contributed by different powers, by different exhibitors, and by States of the Union, and I think that if Senators will take the pains to examine that list they will find that articles rare in their character, of great interest in a scientific point of view, and of intrinsic value, have been given to the Government of the United States. To properly display these objects will be to furnish education of the most valuable character to all of our people (and there are millions of them who come here) who visit this capital.

I wish to add my earnest desire that the committee will promptly report a measure that will enable us to open this great educational Institution to the people of the United States, to utilize this vast and valuable collection which has been given to us, to show that we receive them from these powers in good faith, and are disposed to show that we properly appreciate the riches which they have placed within our hands.

I move that the list with the memorial be printed, and that they both go to the Committee on Public Buildings and Grounds.

Agreed to.

*February 7, 1877—House.*

Mr. HESTER CLYMER. I ask unanimous consent to present for reference to the Committee on Public Buildings and Grounds a memo-

rial of the Regents of the Smithsonian Institution, and beg permission briefly to explain its import.

It sets forth that many foreign nations, states, and individuals, by whom articles were sent to the Centennial Exhibition at Philadelphia, have made noble and valuable gifts to the Government of the United States of objects of art, of firearms, of mineral and agricultural products, and of artistic and mechanic skill. It may not be disputed that the acceptance of them by the Government imposes an obligation that they shall be preserved and exhibited for the gratification and instruction of the people. Their preservation and exhibition must be confided to the National Museum, of which by law the Regents of the Smithsonian Institution have the custody. They have presented for our consideration the necessity for erecting a suitable building for the purposes I have indicated, giving an estimate of its probable cost. I do not ask that the memorial be printed in the Record, as one of like import was presented to the Senate, which will be found in its proceedings of yesterday. I therefore ask its reference to the Committee on Public Buildings and Grounds, and that the accompanying list, setting forth the name of the donors and the character of them, be printed in the Record for the information of the House and the country.

Mr. CASEY YOUNG. I will say to the gentleman from Pennsylvania that there is already a bill pending before the Committee on Public Buildings and Grounds, on which a favorable report has been prepared, and we only wait a meeting of the committee to order it to be reported.

Mr. CLYMER. I am delighted to have that information. But it can do the committee no harm to have the memorial referred to it.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to present a memorial of the Regents of the Smithsonian Institution, and to have the same referred to the Committee on Public Buildings and Grounds, not to be brought back on a motion to reconsider. Is there objection?

Mr. CLYMER. I also ask that the list attached to the memorial be printed in the Record.

Mr. WASHINGTON TOWNSEND, of Pennsylvania. I ask that the memorial itself be printed in the Record.

Mr. CLYMER. With the accompanying list.

There was no objection; and the memorial was referred to the Committee on Public Buildings and Grounds, and ordered, with the accompanying list, to be printed in the Record.

*February 14, 1877—Senate.*

Mr. J. S. MORRILL, from the Committee on Public Buildings and Grounds, reported a bill (S. 1252) for the erection of a fireproof building for the National Museum; which was read by its title.

Mr. J. S. MORRILL. Let the bill be read at length. It will take but a moment.

The President pro tempore (Mr. THOMAS W. FERRY). The bill will be read the second time at length.

*Be it enacted, etc.,* That for a fireproof building for use of the National Museum, 300 feet square, to be erected under the direction and supervision of the Regents of the Smithsonian Institution, in accordance with the plan of Maj. Gen. M. C. Meigs, now on file with the Joint Committee of Public Buildings and Grounds, on the southwest corner of the grounds of the Smithsonian Institution, the sum of \$250,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated. Said building to be placed west of the Smithsonian Institution, leaving a roadway between it and the latter of not less than 30 feet, with its north front on a line parallel with the north face of the buildings of the Agricultural Department and of the Smithsonian Institution; and all expenditures for the purposes herein mentioned, not including anything for architectural plans, shall be audited by the proper officers of the Treasury Department.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

*February 22, 1877—Senate.*

Mr. J. S. MORRILL. I ask the Senate to take up a bill that will not take more than three or four minutes in relation to the National Museum. It is rather important that this bill should be acted upon that it may go to the House. The bill is one which has been reported by the action of the joint committee of the two Houses, that is to say, of the committee of the Senate and the subcommittee of the House, and meets their unanimous approval. I move that the Senate proceed to the consideration of the bill (S. 1252) for the erection of a fireproof building for the National Museum.

Agreed to; and the Senate, as in Committee of the Whole, considered bill.

Mr. MORRILL. I shall not occupy any time in an explanation of this bill, for I presume every Senator recognizes the prime necessity there is for it. The bill is so carefully guarded that there will be no danger of any further demand upon the Treasury, and I think it will meet the approbation of all who examine it.

The bill was reported to the Senate without amendment, engrossed, and passed.

*March 2, 1877—Senate.*

The sundry civil bill being considered an amendment was offered:

For a fireproof building for the use of the National Museum, 300 feet square, to be erected under the direction and supervision of the Regents of the Smithsonian Institution, in accordance with the plan of Maj. Gen. M. C. Meigs, now on file with the Joint Committee of Public Buildings and Grounds, on the southwest corner of the grounds of the Smithsonian Institution, the sum of \$250,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated; said building to be placed west of the Smithsonian Institution, leaving a roadway between it and the latter of not less than 30 feet, with its north front on a line parallel with

the north face of the buildings of the Agricultural Department and of the Smithsonian Institution; and all expenditures for the purposes herein mentioned, not including anything for architectural plans, shall be audited by the proper officers of the Treasury Department.

Mr. A. A. SARGENT. On line 500, after the word "dollars," I move to strike out the words "is hereby appropriated out of any money in the Treasury not otherwise appropriated."

Agreed to.

The amendment, as amended, was agreed to.

*March 3, 1877—House.*

Mr. H. CLYMER. I ask unanimous consent that the bill (S. 1252) for the erection of a fireproof building for a National Museum be taken from the Speaker's table and passed.

*Be it enacted, etc.,* That for a fireproof building for the use of the National Museum, 300 feet square, to be erected under the direction and supervision of the Regents of the Smithsonian Institution, in accordance with the plan of Maj. Gen. M. C. Meigs, now on file with the Joint Committee on Public Buildings and Grounds, on the southwest corner of the grounds of the Smithsonian Institution, the sum of \$250,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated; said building to be placed west of the Smithsonian Institution, leaving a roadway between it and the latter of not less than 30 feet, with its north front on a line parallel with the north face of the buildings of the Agricultural Department and of the Smithsonian Institution; and all expenditures for the purposes herein mentioned, not including anything for architectural plans, shall be audited by the proper officers of the Treasury Department.

Mr. J. W. THROCKMORTON. I object.

Mr. CLYMER. I move that the rules be suspended and the bill passed, and I ask unanimous consent to make a brief statement in regard to it.

Mr. R. Q. MILLS. I object.

The question was taken on the motion to suspend the rules and pass the bill; and on a division there were—ayes 71, noes 41; not two-thirds voting in the affirmative.

Mr. CLYMER. I call for tellers.

Tellers were ordered; and Mr. Clymer and Mr. Throckmorton were appointed.

The House divided; and the tellers reported—ayes 106, noes 42.

Mr. J. L. VANCE, of Ohio. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 99, nays 72, not voting 119, as follows:

YEAS—Messrs. Abbott, Adams, John H. Bagley, jr., Ballou, Banks, Belford, Bell, Blair, Bliss, Bradley, William R. Brown, Horatio C. Burchard, Cannon, Caswell, Caulfield, John B. Clark, jr., of Missouri, Clymer, Conger, Crapo, Crounse, Cutler, Danford, Davy, Denison, Eames, Evans, Flye, Foster, Freeman, Frye, Garfield, Hale, Hancock, Haralson, Hardenbergh, Benjamin W. Harris, Hathorn, Haymond, Hendee, Henderson, Abram S. Hewitt, Hill, Hoge, Hopkins, Hubbell, Hurlburt, Hyman, Joyce, Kasson, Kelly, Kimball, Lamar, Lynch, Mackey, Magoon, MacDougall, McCrary, Miller, Money, Monroe, Morgan, Nash, O'Brien, O'Neill, Page, William A. Phillips, Platt, Pratt, Purman, Rainey, John Reilly, James B. Reilly, William M.

Robbins, Robinson, Rusk, Sampson, Seelye, Sinnickson, Smalls, A. Herr Smith, Stone, Stowell, Strait, Tarbox, Terry, Martin I. Townsend, Washington Townsend, Waddell, John W. Wallace, Watterson, G. Wiley Wells, White, Whitehouse, Andrew Williams, Alpheus S. Williams, Charles G. Williams, James Williams, William B. Williams, James Wilson, Alan Wood, jr., Woodburn, Woodward, Yeates, and Young—99.

NAYS—Messrs. Ainsworth, Beebe, Bland, Blount, Boone, Buckner, John H. Caldwell, William P. Caldwell, Campbell, John B. Clarke, of Kentucky, Cochrane, Collins, Culberson, Davis, Durham, Ellis, Felton, Finley, Forney, Fort, Franklin, Glover, Goode, Goodin, Gunter, Andrew H. Hamilton, John T. Harris, Harrison, Hartzell, Hatcher, Hays, Hooker, House, Humphreys, Jenks, Thomas L. Jones, Knott, Franklin Landers, George M. Landers, Lawrence, Le Moyne, Levy, Lynde, Meade, Mills, Morrison, Mutchler, Neal, New, Payne, John F. Philips, Poppleton, Rea, Reagan, Rice, Riddle, Miles Ross, Scales, Singleton, Slemons, Southard, Sparks, Springer, Stenger, Stevenson, Thomas, Throckmorton, Tucker, Turney, John L. Vance, Robert B. Vance, Charles C. B. Walker, Walling, Warner, Whitthorne, Wike, Jere N. Williams, and Benjamin Wilson—72.

NOT VOTING—Messrs. Anderson, Ashe, Atkins, Bagby, George A. Bagley, John H. Baker, William H. Baker, Banning, Bass, Blackburn, Bradford, Bright, John Young Brown, Samuel D. Burchard, Burleigh, Buttz, Cabell, Carr, Cason, Cate, Chapin, Chittenden, Cook, Cowan, Cox, Darrall, De Bolt, Dibrell, Dobbins, Douglas, Dunnell, Durand, Eden, Egbert, Faulkner, Field, Fuller, Gause, Gibson, Robert Hamilton, Henry R. Harris, Hartridge, Henkle, Goldsmith W. Hewitt, Hoar, Holman, Hoskins, Hunter, Hunton, Hurd, Frank Jones, Kehr, King, Lane, Lapham, Leavenworth, Lewis, Lord, Luttrell, Maish, McDill, McFarland, McMahon, Metcalfe, Milliken, Norton, Odell, Oliver, Packer, Phelps, Pierce, Piper, Plaisted, Potter, Powell, John Robbins, Roberts, Sobieski Ross, Savage, Sayler, Schleicher, Schumaker, Sheakley, William E. Smith, Stanton, Stephens, Swann, Teese, Thompson, Thornburgh, Tufts, Van Vorhes, Wait, Waldron, Gilbert C. Walker, Alexander S. Wallace, Walsh, Ward, Warren, Erastus Wells, Wheeler, Whiting, Wigginton, Willard, Willis, Wilshire, and Fernando Wood—119.

So (two-thirds not voting in favor thereof) the rules were not suspended.

#### NATIONAL MUSEUM—ESTIMATES.

*December 6, 1875—House.*

Estimates by the Secretary of the Smithsonian Institution for 1877, through the Secretary of the Interior.

Preservation of the collections of the surveying and exploring expeditions of the Government, \$25,000.

Smithsonian Institution building: Fitting up apartments for mounting and photographing specimens, \$5,000.

NOTE.—A separate place is absolutely necessary for conducting these operations.

*December 4, 1876—House.*

Estimates by the Secretary of the Smithsonian Institution for 1878, through the Secretary of the Interior.

For preservation of the collections of the surveying and exploring expeditions of the Government, \$25,000.

NOTE.—This item covers the estimated expense for the coming fiscal year for the charge and administration of the entire natural-history collections of the Government,

including those transferred from the Centennial, more than four times the collections of 1875.

For the expense of watching and taking proper care of the Armory building and the objects therein contained, \$2,500.

**NOTE.**—No other appropriation is available for the care and attendance of the Armory building, lighting, heating, etc.

For expenses of making up into sets for distribution to colleges and institutions the duplicate ores, minerals, and objects of natural history now belonging to the United States or in the collections of the International Exhibition presented to it by foreign governments, \$10,000.

**NOTE.**—This appropriation is needed in order to distribute the large bulk of duplicate material belonging to the Government, and for the distribution of it to institutions where it will be of service. This, however, is less urgent in its necessity than the other items. Hundreds of applications are on file for these objects.

*December 4, 1876—House.*

Estimates for 1878, through the Secretary of the Treasury.

For preservation of the collections of the surveying and exploring expeditions of the Government, \$10,000.

For restoring to proper place in National Museum and repairing cases moved to the International Exhibition and for expense of re-arranging the collections, \$5,000.

For completing and fitting up the building erected in the Smithsonian grounds for the preparation and photographing of specimens, \$5,000.

For fitting up the so-called Armory building, on the Mall, between Sixth and Seventh streets, for the reception and storage of objects of natural history, etc., belonging to the United States, including those transferred from the International Exhibition at Philadelphia, \$2,500.

For expense of watching and taking proper care of the said building and the objects therein contained, \$1,500.

*January 12, 1877—House.*

Deficiency estimates for 1877.

For the ordinary care and preservation of the collections, \$10,000.

This is asked for the following reason:

It was found from experience that \$25,000 were not more than sufficient to arrange, preserve, and exhibit the collections of the Government Museum, but of this amount which we estimated for the year, only \$10,000 were allowed, and it therefore became necessary to discharge many of the assistants, leaving a number insufficient to preserve the rapidly increasing number of specimens from deterioration and destruction, much less to put them in a condition for display and satisfactory study.

While the national collections have developed into a museum in magnitude and importance commensurate with many of the museums of the Old World, the provision for its service is inferior even to that of the national museums of Mexico, Buenos Ayres, Denmark, Sweden, etc.

For completion and equipment of laboratory of natural history, \$5,000.

This is for a separate building erected for curing and poisoning the skins and bones of animals, making plaster casts of fishes, etc., and for photographing objects of natural history and ethnology, processes for which no adequate provision was made in the original design of the Smithsonian building and of which some could not be carried on in it without discomfort to the employees and visitors of the establishment.

For completion of fitting up Armory building, \$2,500.

For fitting up the Armory building as a temporary place of storage for a portion of the Centennial collections, an additional sum of \$2,500 is needed for the following reasons:

The sum previously appropriated of \$4,500 was found insufficient, because the building had long been unused, was in a dilapidated condition, the windows broken, and the whole of the interior requiring renovation. The appropriation was expended in repairs of a permanent character, and in a manner exhibiting marked economy. The roof and gutters were repaired, the whole building painted, water introduced, thorough drainage established, new sash, shutters, etc., provided. These necessary repairs exhausted the small appropriation, leaving no provision for heating and ventilating apparatus and other necessary arrangements.

For lighting, heating, and watching Armory building, \$1,500.

An appropriation is also asked for the armory of \$1,500 for lighting, warming, and watching the building, the necessity for which must be evident, and for which no funds are available.

For restoring cases moved to Philadelphia, and rearranging museum, \$5,000.

This is asked for restoring to proper place in the National Museum and repairing the cases and fixtures removed from Washington to the International Exhibition, and for the expense of rearranging the collections.

In many instances cases erected in the halls of the Institution were transferred to Philadelphia and have since been returned. In consequence of this transfer to and from Philadelphia, extensive repairs of these cases are required, especially in the renewal of plate glass. Again, cases which were constructed especially for the Centennial require modification to fit them to places in the Smithsonian Institution. The specimens themselves also require more or less work for their restoration, for labeling, etc.

For packing, boxing, transporting 50 carloads of the exhibits of thirty-three foreign nations presented to the United States, and arranging the same, \$13,500.

This is asked for the following reason:

The sum appropriated by Congress was expended in the preparation and arrangement of the specimens exhibited at Philadelphia in the United States Government building, which illustrated, in a manner to challenge the admiration of all who were qualified to judge of such matters, the mineral and animal resources of the country.

At the close of this exhibition, however, on account of the popularity of the Smithsonian Institution and the liberal donations it had made of books and specimens to foreign museums, thirty-three out of forty-one foreign governments made valuable presents to the United States National Museum, in charge of the Smithsonian Institution. These constituted in many cases nearly the entire exhibits of the following countries: Argentine Confederation, Austria, Brazil, Bermuda, Canada,

Chile, China, Egypt, France, Germany, Great Britain, Japan, Mexico, Netherlands, New South Wales, New Zealand, Norway, Orange Free State, Peru, Portugal, Queensland, Russia, Sandwich Islands, Spain, Sweden, Switzerland, South Australia, Tasmania, Tunis, Turkey, Venezuela, Victoria.

The value of these collections can scarcely be overestimated in an educational point of view and as illustrations of special processes in the arts, and as they are presented through the Smithsonian Institution to the United States and will fill fifty large freight cars, it must be evident that means should be provided by Congress for boxing, packing, and transporting them to Washington.

#### NATIONAL MUSEUM—APPROPRIATIONS.

*July 31, 1876.*

Sundry civil act for 1877.

For repairing and fitting up the so-called Armory building on the Mall between Sixth and Seventh streets, and to enable the Smithsonian Institution to store therein and to take care of specimens of the extensive series of the ores of the precious metals, marbles, building stones, coals, and numerous objects of natural history now on exhibition in Philadelphia, including other objects of practical and economical value presented by various foreign governments to the National Museum, \$4,500: *Provided*, That the said sum shall be expended under the direction of the Secretary of the Smithsonian Institution; and it shall hereafter be the duty of all watchmen or policemen employed in the grounds belonging to the United States to cooperate with the Metropolitan police in enforcing the rules and regulations of the board of Metropolitan police made in relation to the public works and approved by said board.

(Stat., XIX, 120.)

*July 31, 1876.*

Sundry civil act for 1877.

Smithsonian Institution: For preservation of the collections of the surveying and exploring expeditions of the Government, \$10,000.

For fitting up apartments for mounting and photographing specimens, \$3,000.

(Stat., XIX, 109.)

*August 15, 1876.*

Legislative, executive, and judicial act for 1877.

For official postage stamps for the National Museum in the Smithsonian Institution, \$1,000.

(Stat., XIX, 163.)

*March 2, 1877—Senate.*

The Senate having under consideration the sundry civil appropriation bill, the next amendment was in line 486, under the head of "Smithsonian Institution," to increase the appropriation "for preservation and care of the collections of the National Museum" from \$13,000 to \$25,000.

Agreed to.

The next amendment was to insert—

For expenses of making up into sets for distribution to colleges and academies the duplicate ores, minerals, and objects of natural history now belonging to the United States or in the collections of the international exposition presented to it by foreign governments, \$5,000.

Agreed to.

*March 3, 1877.*

Sundry civil act for 1878.

Smithsonian Institution: For preservation and care of the collections of the National Museum, \$18,000.

For expenses of making up into sets for distribution to colleges and academies the duplicate ores, minerals, and objects of natural history now belonging to the United States, or in the collections of the International Exposition presented to it by foreign governments, \$5,000.

For fitting up the Armory Building for storage of articles belonging to the United States, including those transferred from the International Exhibition and expense of watching the same, \$2,500.

(Stat., XIX, 350.)

*March 3, 1877.*

Deficiency act for 1877, etc.

For the National Museum in charge of the Smithsonian Institution: For restoring to their proper place in the National Museum cases removed to the International Exhibition, and rearranging the collections, and for expenses and preservation of the collections, and for receiving, packing, and transporting the objects presented to the United States at the Centennial by State and foreign governments, and for properly storing and preserving them until a proper disposition can be made of the same, \$25,000.

(Stat., XIX, 370.)

#### PHILADELPHIA CENTENNIAL EXHIBITION, 1876.

*February 16, 1876.*

Whereas by the act of Congress entitled “An act to provide for the celebrating the one hundredth anniversary of American independence by holding an international exhibition of arts, manufacture, and products of the soil and mine, in the city of Philadelphia and State of Pennsylvania, in the year 1876,” approved March 3, 1875 [1871], provision was made for the celebration of the centennial anniversary of the declaration of American independence by “an exhibition of American and foreign arts, products, and manufactures,” to be “held under the auspices of the Government of the United States, in the city of Philadelphia, in the year 1876;” and

Whereas by the act of Congress entitled “An act relative to the Centennial International Exhibition to be held in the city of Philadel-

phia, State of Pennsylvania, in the year 1876," approved June 1, 1872, the Centennial Board of Finance was incorporated, with authority to raise the capital necessary to carry into effect the provisions of the said act of March 3, 1871; and

Whereas the President of the United States, in compliance with a joint resolution of Congress approved June 5, 1874, did "extend, in the name of the United States, a respectful and cordial invitation to the governments of other nations to be represented and take part in the International Exposition to be held at Philadelphia under the auspices of the Government of the United States," and as the governments so invited, to the number of thirty-eight, have so accepted such invitation, and many of them are making extensive preparations to embrace the courtesy so extended to them, thereby rendering proper arrangements for the coming ceremonies on the part of the Government of the United States a matter of honor and good faith; and

Whereas the preparations designed by the United States Centennial Commission, and in part executed by the Centennial Board of Finance, are in accordance with the spirit of the acts of Congress relating thereto and are on a scale creditable to the Government and people of the United States: Therefore,

*Be it enacted, etc.,* That the sum of \$1,500,000, to complete the Centennial buildings and other preparations, be, and the same is hereby, appropriated, out of any moneys in the United States Treasury not otherwise appropriated, which shall be paid on the drafts of the president and treasurer of the Centennial Board of Finance, one-third immediately after the passage of this act and the remainder in four equal monthly payments: *Provided*, That in the distribution of any moneys that may remain in the treasury of the Centennial Board of Finance after the payment of its debts, as provided for by the tenth section of the act of Congress approved June 1, 1872, incorporating said Centennial Board of Finance, the appropriation hereinbefore made shall be paid in full into the Treasury of the United States before any dividend or percentage of the profits shall be paid to the holders of said stock: *Provided also*, That the Government of the United States shall not, under any circumstances, be liable for any debt or obligation of the United States Centennial Commission or the Centennial Board of Finance or any payment in addition to the foregoing sum.

SEC. 2. That the money by this act appropriated shall be paid to the treasurer of the Centennial Board of Finance only after he and the president of the board shall have executed a bond in the sum of \$500,000 to the United States, with sufficient security, to be approved by the Secretary of the Treasury, for the safe-keeping and faithful disbursement of the sum hereby appropriated.

(Stat., XIX, 3.)

*April 17, 1876.*

*Be it enacted, etc.,* That the sum of \$40,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury, for the purpose of examination and appraisement and for the incidental expenses connected with the admission of foreign goods to the Centennial Exhibition at Philadelphia.

(Stat., XIX, 34.)

*May 1, 1876.*

Deficiency act for 1876, etc.

For the purpose of paying the expenses of transportation, care, and custody, arranging and exhibiting, and safe return of articles belonging to the United States, to be presented and exhibited in the United States building at the Centennial Exhibition at Philadelphia, during the year 1876, in pursuance of an act of Congress approved March 3, 1875, the following sums are hereby appropriated, namely: \* \* \* for the Smithsonian Institution, \$21,000: \* \* \* *Provided,* That for contingent expenses any surplus arising from appropriations made to either of said Departments by act of March 3, 1875, is hereby authorized to be used for the purposes herein mentioned.

(Stat., XIX, 45.)

*July 20, 1876.*

*Be it resolved, etc.,* That the act approved June 18, 1874, entitled "An act to admit free of duty articles intended for the International Exhibition of 1876," be, and the same is hereby, so amended as to permit the sale and delivery, during the exhibition, of goods, wares, and merchandise heretofore imported and now in the exhibition buildings, subject to such additional regulations for the security of the revenue and the collection of duties thereon as the Secretary of the Treasury may in his discretion prescribe.

SEC. 2. That the entire stock of each exhibitor, consisting of goods, wares, and merchandise imported by him and now in said buildings, is hereby declared liable for the payment of duties accruing on any portion thereof, in case of the removal of such portion from said buildings without payment of the lawful duties thereon.

SEC. 3. That the penalties prescribed by and the provisions contained in section 3082 of the Revised Statutes shall be deemed and held to apply in the case of any goods, wares, or merchandise now in said buildings sold, delivered, or removed without payment of duties, in the same manner as if such goods, wares, or merchandise had been imported contrary to law; and the article or articles so sold, delivered, or removed shall be deemed and held to have been so imported with the knowledge of the parties, respectively, concerned in such sale, delivery, or removal.

(Stat., XIX, 214.)

## PHILADELPHIA CENTENNIAL EXPOSITION.—GOVERNMENT EXHIBIT.

*February 1, 1877—House.*

Mr. HOPKINS, from the Select Committee on the Centennial Celebration, submitted report, No. 144:

That they have fully and carefully considered the President's recommendation, and also the letters from Professors Henry and Baird, of the Smithsonian Institution, which are hereto attached, and they appreciate the great importance of prompt and favorable action by Congress to provide a suitable building for the preservation and display of perhaps the largest, most interesting and valuable museum in the world.

It may be well to call attention to the history of the Government exhibit, and to its character, extent, and value, especially as it has been increased by large and generous donations from other nations who were also exhibitors at our Centennial Exposition.

## INCEPTION OF THE IDEA OF A GOVERNMENT EXHIBIT.

*Call of the President.*—On the 23d of January, 1874, the President of the United States called upon the various departments of the Government, including the Smithsonian Institution, to nominate one member each, to constitute a board in behalf of the Executive Departments, to which should be committed the preparation and adoption of a plan for a collective exhibition at the International Exhibition of 1876 "of such articles and material as will illustrate the functions and administrative faculties of the Government in time of peace and its resources as a war power, and thereby serve to demonstrate the nature of our institutions and their adaptation to the wants of the people."

*Appointment of board of Executive Department.*—The persons designated in response to the call of the President were the following:

By the Secretary of the Treasury, F. M. Sawyer.

By the Secretary of War, Col. S. C. Lyford, U. S. A.

By the Secretary of the Navy, Admiral T. A. Jenkins, U. S. N.

By the Secretary of the Interior, John Eaton.

By the Postmaster-General, Charles F. McDonald.

By the Department of Agriculture, William Saunders.

By the Smithsonian Institution, S. F. Baird.

On the 25th of March, 1874, the nominations were approved by the President for the board referred to, and Col. S. C. Lyford was designated as chairman. Subsequently, on the retirement of Mr. Sawyer, Mr. R. W. Tayer was appointed in behalf of the Treasury Department.

The first business before the board being that of preparing a general plan of the exhibition and estimates of the cost of carrying this out for each department, the following estimates were made, after a

careful consideration of the subject, as being absolutely necessary to accomplish the work on a proper scale:

*Original estimates of board.*

Interior Department.....	\$211, 000
Treasury Department.....	5, 000
Post-Office Department.....	5, 000
Agricultural Department.....	50, 000
Smithsonian Institution.....	100, 000
War Department.....	200, 000
Navy Department.....	150, 000
Add for show cases, shelving, incidentals, etc .....	50, 000
For a separate building, capable of removal to Washington after the close of the exhibition, to be used as a national museum at the capital of the nation .....	200, 000
	<hr/> 971, 000

*Amount actually appropriated.*—These estimates were reduced by the Committee on Appropriations to the following, which was passed without opposition from any quarter:

War Department.....	\$133, 000
Navy Department.....	100, 000
Interior Department.....	115, 000
Treasury Department.....	5, 000
Post-Office Department.....	5, 000
Agricultural Department.....	50, 000
Smithsonian Institution .....	67, 000
United States Commission of Food-Fishes.....	5, 000
For show cases, shelving, stationery, postage, telegrams, expressage, and incidentals.....	25, 000
	<hr/> 505, 000

Authority was also given in the enactment to erect any building or part of a building that might be necessary, to be “paid for pro rata out of the sums appropriated to the several departments, the United States Commission of Food-Fishes, the Treasury and Post-Office Departments excepted, the cost of the building not to exceed \$150,000, said building to be sold at the close of the exhibition and the proceeds covered into the Treasury as miscellaneous receipts.”

Authority was also given to the heads of the several Executive Departments to display at the exhibition, under such conditions as they might prescribe, all such articles in store or under the control of such departments as might be necessary or desirable to render the collection complete and exhaustive, but the board were forbidden to expend any larger sum than was set down for each department or to enter into any contract or engagement that should result in any such increased expenditure. \* \* \*

Referred to Committee on Public Buildings and Grounds.

*Erection of building.*—A committee of the board of the respective Departments was appointed to take into consideration all the matters relating to this building, and to consider plans for the same; and from several offered them, that of an edifice in the form of a cross, designed by James H. Windrim, of Philadelphia, was selected. The floor of this occupied 102,840 square feet, of which 20,840 was taken up by passages, leaving a space remaining of 82,000 square feet for exhibition purposes. It was completed and ready for occupation March 1, 1876, on which date it was accepted by the board. The space assigned to each Department was as follows:

	Feet.
War Department.....	11, 200
Navy Department .....	10, 400
Treasury Department.....	3, 000
Post-Office Department.....	3, 800
Interior Department.....	20, 600
Agricultural Department.....	6, 000
Smithsonian Institution.....	20, 600
Fish Commission.....	6, 000
	81, 600

The original contract for the cost of this building was \$67,201.61, but subsequent changes somewhat increased the amount. These, with other expenses, such as grading the grounds, etc., made the total amount to be deducted from the available fund and divided pro rata among the various Departments, with the exception of the Treasury and the Commission of Food Fishes, about \$94,000, leaving about \$411,000 for the actual purposes of the display.

The building was entirely of wood, and of course liable to damage from fire. A careful guard was, however, maintained, and no accident of any kind occurred during the exhibition.

*Completeness on opening day.*—Although the time at the command of the board for the preparation of the exhibit was short, and the amount of money appropriated to carry out the plans of the several Departments was considered by them insufficient for the purpose, on the opening day of the exhibition most of the articles were in their places, this being especially the case with those of the Army and Navy; and the remainder were ready within the course of a few weeks later. In this respect the Government display was in advance of those in the other buildings, the internal arrangements of which were more or less incomplete for a long time after the 10th of May.

#### THE SMITHSONIAN INSTITUTION.

This illustrated, first, the operations of the Institution itself; second, that of the National Museum of the United States under its charge.

1. *The Smithsonian Institution.*—This display contained a full series of all the publications of the Institution and charts illustrating its system of international exchanges, with a set of large charts, showing the mean temperature and the rainfall in the United States.

2. *National Museum, under the direction of the Smithsonian Institution.*—In the museum section were shown collections illustrating the economical mineral wealth of the United States, in a series of ores of the precious and baser metals and their metallurgy, including specimens of the metals and their simple applications; the materials used in the manufacture of glass, such as sand, soda, etc., and the earth and clays, with their applications in tiles, terra cotta, bricks, and pottery; the different varieties of coal, petroleum; samples of the principal building stones, as marble, granite, etc.

The animal section contained, first, representations of the animals of the United States of economical importance to the country, as furnishing food, ivory, bone, leather, glue, furs, bristles, oil, etc.; second, the apparatus by which these animals are pursued and captured; third, the means by which they are utilized for the wants or luxuries of man when taken; fourth, specimens of the products of such utilization and their simple applications, and, fifth, the methods by which they are protected and multiplied.

*The United States Fish Commission.*—In this was shown a series of models in plaster or papier-maché of the principal fishes and cretaceans of the United States, and photographs and original drawings of the same, as furnishing oil, bone, or manure, together with the apparatus of pursuits and capture; models of boats of different styles of construction, and special illustrations of the whale fishery. Also the methods of fish culture, in illustrations of hatching boxes, carrying vessels, models of fish ways, etc. This display and that of the animal department of the Smithsonian exhibit were more or less united, and illustrated not only the methods and appliances of civilized man in this connection, but also those of the American savage.

*Public opinion in regard to the Government exhibit.*—As already remarked, the officers in charge of the Government exhibit were unable to make it as complete as they had hoped, on account of the reduced appropriation for the purpose; but as it was, it was considered by all visitors as decidedly the best part of the International Exhibition, in view of the extent and exhaustiveness of the collection and the method and order of its display.

No special catalogue of the Government exhibits was printed, authority not having been obtained from Congress for the purpose, although a very full catalogue had been prepared.

The building was constantly the resort of intelligent visitors from all parts of the world, and a great many critical reports have been published already in foreign journals in regard to this display. Pro-

fessor Archer, one of the chief commissioners from Great Britain, in a lecture recently delivered before the Society of Arts in London, uses the following language in speaking of the United States Government building and its annexes:

This group consisted of a very large edifice, in the form of a cross, erected by the United States Government at a cost of \$60,000, and, in addition, a laboratory for illustrations of arsenal work and a model military hospital, which was of great practical utility during the exhibition. Within the chief building was displayed most interesting and instructive collections, illustrative of the work of the Smithsonian Institution, and the general and geological surveys of the States, the mineral, zoological, and botanical collections connected with those surveys, and also most important ethnological and prehistoric collections. The great collection of food-fishes of America, made for the Fishery Commission by Professor Baird, with the appliances for catching and preserving fish; also series illustrating the various naval and military weapons and engines, and machinery for arsenal work; and, lastly, a complete display of all the applications in the postal department of the States. The general arrangement of the contents of this large building, covering about 2 acres, was most satisfactory and had been carried out under the most competent scientific supervision; hence it was felt to be the most instructive portion of the Centennial Exhibition. It brought into full view a great mass of the intellectual work of some of the greatest of American workers in the fields of science. (Journal of the Society of Arts, December 22, 1876.)

These suggestions were based upon the exhibit as actually made, and which closed with the expiration of the Centennial Exhibition on the 10th of November.

#### DONATIONS TO THE UNITED STATES GOVERNMENT.

After the close of the exhibition a new element was introduced into the question of the transfer of the Government collections to Washington and their arrangement for inspection and study, namely, the donation to the United States of many objects or entire collections that had been displayed elsewhere in the exhibition than in the Government building. These were derived from two sources:

First. From American State commissions and private exhibitors, by whom much material of great value was presented and tending to fill up important blanks.

Second. From the commissions of the several foreign governments participating in the International Exhibition of 1876.

The experience of previous expositions had indicated the probability of contributions from the latter source, and to meet the expected emergency Congress at its last session granted the Armory building to the National Museum, and made an appropriation for the purpose in the following words:

For repairing and fitting up the so-called Armory building, on the Mall, between Sixth and Seventh streets, and to enable the Smithsonian Institution to store therein and to take care of specimens of the extensive series of the ores of the precious metals, marbles, coals, and numerous objects of natural history now on exhibition in

Philadelphia, including [any] other articles of practical and economical value, presented by various foreign governments to the National Museum, \$4,500: *Provided*, That the said sum shall be expended under the direction of the Smithsonian Institution.

The contributions from the States were of very great value; Nevada, Utah, Montana, Tennessee, etc., presenting most valuable series of their ores, while an aggregate of much magnitude was received from individuals; minerals, metals, ores, building stones, coals, pottery, etc., all being included. It was, however, from the foreign commissions as above referred to that the greatest mass was derived, so that, although the gift of some articles was anticipated, the members of the Government board were not prepared for the wholesale donation of by far the greatest portion of the collective exhibits made by foreign nations, as well as those of many of their individual exhibitors. Among these may be mentioned specimens of mining and metallurgy, ores, metals, combustibles, building stones, earths, clays, tiles, terra cotta, and pottery; vegetable products, as samples of woods, fibers, seeds, medicinal plants, etc., furs, skins, gelatin, samples of industrial products in the way of woven and plaited fabrics, objects in metal, wood, glass, earthen wares, illustrations of manners and customs, etc.

*List of countries from which donations were received.*—The nations from which were received the collections in question are the following:

Argentine Republic, Austria, Africa (Orange Free State), Belgium, Brazil, Chile, China, Egypt, France, German Empire, Hawaiian Islands, Japanese Empire, Mexico, Netherlands, Norway, Peru, Portugal, Russia, Spain, Philippine Islands, Sweden, Switzerland, Tunis, Turkey, United Kingdom and Colonies, Bermuda, Canada, New South Wales, New Zealand, Queensland, South Australia, Tasmania, Victoria, Venezuela.

The commissions which are not included in this list had nothing at their disposal, their exhibitions consisting either purely of private material reclaimed or otherwise disposed of by their owners, or, as in the case of several British colonies, of articles borrowed from the colonial museum in London and necessarily returned there.

*Assignment of collections received.*—While no special authority had been given by Congress to receive these articles, it was not considered proper to refuse them, and they were accordingly taken charge of by the several departments of the Government to which they were most nearly related. An exhibit of the iron, chain cables, cordage, etc., of the naval department of Russia was received by the representatives of the Navy Department. To the Bureau of Education was delivered everything of an educational character. The Department of Agriculture received the articles belonging to the vegetable kingdom, such as sections of wood, fibers, grains, seeds, etc., while articles belonging to

the mineral and animal kingdoms, and as illustrative of the manners and customs of the people, were taken by the Smithsonian Institution, and objects relating to the fisheries by the United States Fish Commission.

Accompanying communications from some of these departments give in fuller detail the character of these donations. Suffice it to say that so far as the Bureau of Education, the Department of Agriculture, the Smithsonian Institution, and the Commission of Food-Fishes are concerned, the collections promise to exceed in magnitude their own Centennial exhibitions.

PROPOSED TRANSFER OF THIS COLLECTION TO WASHINGTON.

*General feeling on the subject.*—The interest in the exhibition of the Government very naturally suggested to many the importance of transferring it to Washington and maintaining it in its original form, and numerous suggestions and earnest appeals to that effect have already appeared in the public press. This feeling met with special expression in a resolution of the National Academy of Sciences at its session in Philadelphia in October; and in compliance with its instructions, Professor Henry, its president, transmitted to the President of the United States the following communication:

SMITHSONIAN INSTITUTION,  
Washington, D. C., November 13, 1876.

To His Excellency the PRESIDENT OF THE UNITED STATES.

SIR: I have the honor to inform you that at a meeting of the National Academy of Sciences held in October last the following preamble and resolutions were unanimously adopted:

"Whereas the members of the National Academy of Sciences have been greatly impressed by the extent, rarity, and richness of the truly national collection contained in the Government building at the Centennial Exhibition, and considering the great importance and lasting interest with which the people of the United States must regard this collection: Therefore,

"*Resolved*, That in the opinion of the Academy the Government collections as a whole should be transferred to Washington, and there preserved in an appropriate building for perpetual exhibition.

"*Resolved*, That the Academy entertains the hope that the President of the United States will favor the foregoing proposition; that he will delay the dispersion of the exhibit from the several Executive Departments until Congress has assembled, and that he will recommend to that body to provide for the transfer of the Government collection to the city of Washington, and for its subsequent permanent support."

In transmitting these resolutions to Your Excellency, I beg leave, in favor of the proposition, to suggest, first, that the exhibit would form a fitting memorial of the centennial condition of the country; second, that it would illustrate in a striking manner the appliances used by the Government in carrying on its various and complex operations; third, that it would be a repository in which the natural resources of each State would be exhibited; fourth, that it would give information, in one view of importance to the statesman, legislator, scientist, educator, and the capitalist of our own and of foreign countries; fifth, it would be of interest to the intelligent public at large, and would meet the approbation of all who regard the prosperity of the country, and take pride in the condition of the national capital.

In conclusion, it may not perhaps be improper to remark that I do not advocate this proposition for the purpose of extending the power and influence of the Smithsonian Institution. On the contrary, I think the exhibit should be made a truly national one, and be immediately under the control of the Government.

I have the honor to be, very respectfully, your obedient servant,

JOSEPH HENRY,

*President National Academy of Sciences.*

*Economical value of the collection.*—Embracing as these donations do the essential portion of the displays of foreign nations, such as their natural products, general industries and educational and scientific methods, etc., it is clearly evident that the element of the Centennial exhibition of most importance to the American people has thus been left to it, in the closing of the centennial, and if properly administered must conduce in a very great degree to the material and mental advance of the nation. By rearranging it in a systematic manner, in connection with the articles already shown, a most instructive and important museum can be made available to the people of the United States. We are assured that no such collection as this is to be found in any part of the world; and it is very doubtful whether it can ever again be reproduced, as many of the nations represented at the centennial have intimated their intention of not taking part in the Paris or any future exposition.

*Distribution of duplicates.*—As might be expected, a large amount of duplicate material accompanies these donations to the United States from American and foreign sources, which, when a final arrangement is accomplished, can, if Congress so direct, be distributed to various educational and industrial establishments throughout the United States.

*Commercial value.*—The expenditures of the United States, for an exhibition lasting but six months, have amounted to nearly \$600,000. The donations from our own States and individuals, tending to fill up some of the gaps and complete the American display, which an insufficient appropriation interfered with, and those from foreign nations which have been given to the United States, can hardly be considered as overvalued at \$400,000, and we therefore have an aggregate of property, in value of at least a million of dollars to provide for.

*Future increase of collections.*—Promises have been made by most of the foreign commissions to complete any portion illustrating the natural products and industries of their respective countries whenever the arrangement of the collection shows the deficiencies.

*Action of the President in regard to transfer.*—In view of the magnitude of the collections thus acquired by the United States, and the inadequacy of any present provision for their transfer to Washington and their arrangement here, as also in view of the urgency of the appeal of the National Academy of Sciences, the President, under date of November 17, 1876, issued an order forbidding the removal of the articles in the Government building until some arrangement could be

made in regard to them. This order was subsequently modified by allowing such objects as were required for the use of the Government in Washington or elsewhere to be transferred, as also such as were liable to decay or injury by remaining in a building exposed to cold and dampness. The greater part of these articles are now stored in the Government building at Philadelphia waiting some action on the part of Congress.

*Demolition of Government centennial building soon required.*—As the contract made by the park commission with the Centennial Commission requires the removal of all the buildings within sixty days of the close of the exhibit, it is necessary to take speedy action on this subject; and if Congress does not see fit to erect a building at the present time for the proper display of the collections, measures must at any rate be authorized for their removal to Washington and their storage in some safe place. As the appropriations made to the Government board did not contemplate these foreign and domestic donations in their enormous aggregate, and are entirely inadequate to handling them, your committee earnestly recommend that an appropriation be made to convey this large and most interesting collection to Washington City, and for the erection of a suitable building in which to exhibit the same, so that all of our citizens may have free access and abundant opportunity to study the contents of a really international museum.

No argument is needed to prove the beneficial effects upon the whole people of an intimate knowledge of the great resources of our own and of other nations. And the advantages which will be afforded by the contemplated museum can not be overestimated.

The location and plans suggested by Professors Henry and Baird seem to your committee convenient and proper. The very nature of the collection suggests its association with the museum of the Smithsonian Institution; but securing and providing for the display is vastly more important than the selection or adoption of any specific place.

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SMITHSONIAN INSTITUTION, *January 24, 1877.*

SIR: As chairman of the committee to which was referred so much of the President's message as relates to the transfer of the Government collections to Washington, I beg leave to submit to you the following remarks:

1. Congress, in the organization of the Smithsonian Institution, directed that it should make provision, on a liberal scale, for a museum, which should contain all objects of natural history and of curious and foreign research belonging to the Government. In accordance with this direction the Institution erected a building, which has cost upward of \$500,000, from the Smithsonian fund. It has also developed and for many years principally supported this museum, the collections being the property of the Government, while the building was erected out of the Smithsonian fund.

2. On account of the appropriations of Congress for the Centennial, and the liberal donations which have been made to the collections by the States of the Union, by individuals, and especially by foreign governments, the National Museum has suddenly increased to fourfold its previous dimensions.

3. For this increase an additional building is required, which can not be made, as the previous one was, from the income of the Smithsonian fund, and means must therefore be provided by an appropriation from Congress for this purpose.

4. The edifice required should be placed in connection with the present Smithsonian building, in order that the whole may form one system; for should it be placed on other grounds and made a distinct museum, the present Smithsonian building, far too large for its own operations and too expensive to be properly sustained, would be left upon the hands of the Institution.

I herewith beg leave to transmit the accompanying communication of Prof. S. F. Baird, who had charge of the Smithsonian exhibit at the Centennial, which contains a full exposition of the nature of the additions to the museum and of the necessity of the immediate erection of a suitable building to contain them.

I am, very respectfully, your obedient servant,

JOSEPH HENRY,  
*Secretary Smithsonian Institution.*

HON. JAS. H. HOPKINS,  
*House of Representatives Select Committee on the Centennial.*

SMITHSONIAN INSTITUTION,  
*Washington, January 18, 1877.*

SIR: Understanding that the Centennial Committee of the House of Representatives has under consideration that portion of the President's message in reference to the rearrangement of the collections exhibited in the Government building at the International Exhibition in some suitable building in the city of Washington, I would respectfully request that you communicate with them in reference to the needs of the Smithsonian Institution, to which the care of the National Museum has been committed by Congress.

There is, I believe, no question as to the satisfaction of the American people with the United States exhibition made in the Government building. It was a subject of repeated commendation, and suggestions were continually made by the press and elsewhere as to the importance of its transfer to and maintenance in the city of Washington. It was universally considered the best part of the Centennial display, and was the special object of attention and investigation among the foreign judges and members of the foreign commissions whose duty it was to prepare reports upon the International Exhibition of 1876 to their respective governments. Professor Archer, one of the two chief commissioners from Great Britain, in an address delivered before the Society of Arts in London on the 22d of December, especially characterizes the Government exhibit as the most interesting and important at the Centennial.

The general feeling on the subject of a transfer of the collections found expression in the vote of the National Academy of Sciences, the highest scientific tribunal in the country, at its October session, in which the president of the academy was instructed to address the President of the United States in reference to the importance of exhibiting in Washington the United States collection then in Philadelphia. This was done, and the subject was referred to in the message of the President with earnest commendation. The collections were at the same time ordered by him to be kept in the Government building until the decision of Congress could be ascertained. The transfer of the objects from the building was therefore arrested, to await further action.

As is well known to the committee, the participants in the display were the War, Navy, Treasury, Interior, Post-Office, and Agricultural Departments, the Smithsonian Institution, and the United States Fish Commission, and it is especially with reference to the last two sections that I beg leave to address you.

The exhibition made at the Centennial by the Smithsonian Institution, in connection with that of the United States Fish Commission, was intended to represent especially the animal and mineral resources of the United States. The mineral display was designed to show the products of the United States as derived from its mines, and embraced the largest collection of ores of gold, silver, and mercury from the Pacific and Western States ever brought together. It included also excellent series of the same objects from the more eastern portions of the country. This division of the mineral exhibition amounts to over 25 tons in weight, and possesses a bullion value of probably \$30,000 or \$40,000. A special exhibit of her ores of great scientific and industrial value was made in the Government building by the State of Nevada, afterwards presented to the United States. Similar displays and donations of somewhat less magnitude were shown by Montana, Utah, Tennessee, etc.

In addition to the representation of the precious metals, full series were shown by the National Museum of the ores of iron, copper, lead, zinc, tin, nickel; while the marbles and other ornamental stones, plain and polished, in very great variety, were displayed in large masses. All the varieties of coals are included in the collection, as also the earths and clays, with their applications in the way of brick, tile, terra cotta, etc.

The entire mineral display, as such, was closely crowded in a space of about 10,000 square feet, and would have been more conveniently exhibited in twice that area. Notwithstanding the intrinsic value of much of the material exhibited, no money was expended in actual purchases, the outlays consisting of the necessary expenses incurred by the agents of the Institution in visiting the different mining regions of the United States to collect the specimens, and their own compensation, the cost of boxing, transportation, etc.

The display of the animal resources of the United States was arranged under five heads: First. All the animals bearing some definite relation to the wants or luxuries of man, and shown either living, as stuffed specimens, or in plaster casts, photographs, or drawings. Second. The apparatus by which they are pursued and captured. Third. The manner in which they are utilized. Fourth. The results of such utilization in the form of the raw material and their simpler applications. Fifth. The means by which they are propagated and multiplied. About 6,600 feet were occupied by these collections.

The variety of subjects required for so extensive a programme was very great, not less than 3,000 subdivisions being provided for in the classification, and represented, for the most part, in more or less detail.

The display included not only the means and appliances of civilized man, but also those used by the Indian for the same purpose. Here, as with the minerals, a large part of the exhibit was presented by persons interested in completing the display.

The special exhibit of the fisheries included models or plaster casts of the various whales, porpoises, seals, and true fishes; samples of the eatable and ornamental shells, the sponges, corals, and the like; isinglass and other products; specimens or models of the different kinds of nets, pounds, fish traps, hooks, lines, rods and reels, boats of all patterns, models of ships, apparatus for the capture and utilization of the whale, etc. This collection occupied a space of about 10,000 square feet, making three divisions, or an aggregate of 26,600 feet of the mineral, animal, and fishery sections.

The Smithsonian Institution also prepared, in behalf of the Indian Bureau, a representation of the manners and customs of the American aborigines, which was extremely attractive to every one, especially to the foreigner. This collection, exhib-

two months in this work, with a probability that it will not be completed before the 1st of February.

The Government building is at present crowded with these additions, notwithstanding the removal of many of the original exhibits; the objects thus presented, it is believed, being sufficient to fill 50 freight cars to their utmost capacity. \* \* \*

The value of these collections to the people of the United States can not be overestimated, consisting as they do of many varieties of ores and minerals, specimens of animal products, and materials from the vegetable kingdom, including, also, the stages of their manufacture and the finished products, as well as, in many cases, the apparatus by which these results are accomplished. Thus, nearly all the known varieties of the ores of silver, gold, mercury, iron, copper, lead, tin, zinc, nickel, cobalt, antimony, etc., are represented, with the furnace products accompanying them, and the resulting metal; the brick, tile, and pottery earth and clays of China, Japan, France, Belgium, Great Britain, Australia, Brazil, etc., in many cases accompanied by careful analyses of their composition and numerous illustrative specimens of their products; also building stones, marbles, etc., specimens of artificial stone, mortars, and cements, with the materials producing them, and samples of coals from hundreds of different localities.

Among illustrations of products from the animal industries may be mentioned specimens of leathers from all parts of the world and from many varieties of animals; wools, graded by their different qualities, and applications and prices; furs of various species of animals of Europe, Asia, and Australia, and preparations of Russian isinglass, glues, and gelatins in immense variety.

The wealth of vegetable material is incalculable, embracing as it does the magnificent displays of Brazil, the Argentine Confederation, Australia, Netherlands, and other countries that have excited so much attention during the exhibition.

Among the individual objects may be enumerated samples of the woods of thousands of species of trees, fibers of all kinds, including material for paper and textile fabrics, objects of the materia medica, gums, dyestuffs, materials for tanning, seeds of every variety of the grains, hemp, flax, cotton, ramie, tobacco, coffee, cocoa, etc., many of them at present new to the United States and giving promise of successful introduction therein. These have been received, in large part, in quantity sufficient for distribution, Russia alone supplying more than 200 bushels of seeds of every best variety of hemp, oats, wheat, barley, etc. A large amount of material illustrating the habits and customs of other nations has also been received. Notably among these objects may be mentioned the entire exhibit of the King of Siam and that of the commissioners of customs of China. Both of these collections present an exhaustive illustration of the mode of life, habits, and characteristics of the people. Many important collections of educational apparatus and objects have also been presented. The navy department of Russia has furnished samples of cordage, wire rope, chain-cable, iron forgings, etc.

The various objects thus presented, after being transferred to the Government building, have been taken possession of by the respective departments to which they are most appropriate, and by which they would naturally be exhibited in connection with any systematic display that might be authorized by Congress. Although no formal action had been taken by Congress in reference to the acceptance of such donations, yet the fact that an appropriation was made to fit up a building in Washington to receive what might be presented was considered a sufficient warrant for receiving them, especially as their rejection would have placed the United States in an embarrassing position in respect to its foreign guests.

It is proper to state that the utmost eagerness has been manifested by the representatives of technical, industrial, and educational institutions in the United States in gathering objects of the kind in question, and that in very great part they were prevented from accomplishing their object by the information that the entire exhibits

had been presented to the United States, and that application should be made to its representatives for any desiderata. It has been impossible, however, to make any selections with this object, as the time of those concerned has been fully occupied in packing and removing the collections. It will hereafter be desirable to make up from the duplicate material a considerable number of sets of these various substances for distribution whenever the means are furnished for the purpose.

It will readily be understood that the reception and care of so enormous an addition to the original collections already in charge of the Government board would greatly increase their responsibilities and expenditures, and, so far as the Smithsonian Institution is concerned, the balance of its appropriation is entirely inadequate to the duty of caring for this material and of transferring it to Washington. After its arrival, too, provision will need be made for its maintenance and exhibition.

In view of the fact that a collection of such magnitude is now the property of the United States, and in large part the spontaneous tribute of respect to it from foreign governments, and that the whole furnishes ample material for an economical and industrial museum of the utmost value, perhaps the finest in the world, it is quite reasonable to hope that Congress will take the steps necessary to make it available to the country, with all the benefits likely to result from its display.

The proper disposition of the collections referred to, so far as they relate to the animal and mineral kingdoms, to ethnology, and to the general industries, would be to place them with the other objects constituting the National Museum in the halls of the Smithsonian Institution, under its charge. Not a tenth part, however, of the total mass could be accommodated in that building, and it therefore becomes necessary to make some provision for the reception and, if possible, for the suitable display of the collections elsewhere, at as early a date as practicable.

It is, of course, possible to store the specimens for a time, but the Armory Building, which has already been assigned for that purpose, is scarcely sufficient to accommodate the portions in charge of the Smithsonian Institution, even if packed in Philadelphia with special reference to being kept unopened for an indefinite period of time, although, of course, some additional places of deposit could be found.

In addition, however, to the importance of presenting this collection to the public examination at the earliest possible moment, much of the material would be seriously deteriorated by being kept inclosed. This is especially the case with polished steel and iron, and all objects likely to be injured by dampness, such as animals, furs, dresses, etc.

For the above considerations, therefore, it is greatly to be desired that Congress may see fit to authorize the construction of a plain and inexpensive, but fireproof and durable, building, capable of being erected within a few months and sufficiently large to meet the requirements of the National Museum and the other bureaus of the Government. It is believed that an edifice in general plan like that adopted for the building at the Centennial would be best adapted for the purpose, except in being somewhat more substantial and capable of being heated. By laying a concrete floor directly on the ground, for the exclusion of moisture and vermin, making the exterior of brick, using iron for the beams, joists, rafters, etc., and by having the roof constructed of tongue-and-grooved boards, and slate or tin above it, and possibly plastered on the underside, it is believed that these several requirements can be most readily met.

The question of a site for the building is also one requiring careful consideration. But for many reasons it would seem desirable that this be placed on the Smithsonian reservation, which has been set aside by Congress for such purposes, and where a building may be erected without raising the inquiry as to the space being needed for the use of any other Department, or of its interfering with the plan of an ornamental city park. A space immediately south of the Smithsonian building will admit the erection of a building 300 feet square, and connected with the present Smithsonian

edifice by means of its south tower. This, with a ground floor of 90,000 feet, and capable of the addition of a gallery containing 30,000 square feet, will furnish an aggregate of 120,000 square feet, which it is thought will permit the proposed display.

In the arrangement of the mineral collections referred to it is desirable that a special area be devoted to the mineral products of each State, so that the resources of all parts of the country may be shown to the inquirer or investigator, and that as new mining localities are developed in different parts of the country their illustration, by suitable specimens, may be made in their appropriate places.

The Smithsonian Institution was established on the bequest of a foreigner, who left \$542,000 in trust to the United States to found an establishment "for the increase and diffusion of knowledge among men." Among the other duties specified in the act of incorporation in 1846 was the charge of the National Museum, as expressed in the following words:

"Sec. 6. *And be it further enacted*, That in proportion as suitable arrangements can be made for their reception, all objects of art and of foreign and curious research, and all objects of natural history, plants, and geological and mineralogical specimens belonging, or hereafter to belong, to the United States, which may be in the city of Washington, in whosesoever custody the same may be, shall be delivered to such persons as may be authorized by the Board of Regents to receive them, and shall be arranged in such order and so classed as best to facilitate the examination and study of them."

The Regents were authorized to determine the plan of operations in other directions, and, through the adherence to the plan of operations authorized by the original board and indorsed by successors, the Institution has become the leading scientific and educational institution of the country, and perhaps, indeed, of the world. Its expenditures are devoted to the prosecution of original researches, the publication of important memoirs, and especially to the maintenance of a system of international exchanges, by which the publications of societies in the United States, including mechanics' institutions, agricultural bodies, etc., as well as those of the United States Government and of the bureaus of the several Departments, are exchanged for the works of corresponding establishments throughout the world, and resulting in the most rapid diffusion of knowledge possible, and in the acquisition of the latest scientific, technical, and industrial publications.

The publications of the Institution are thus exchanged with those of all other countries, and the extensive library it has thus acquired forms part of the Library of Congress, where over 70,000 of the volumes of the most valuable character are to be found. It will thus be observed that the material result of these operations redounds directly to the advantage of the Government in the improvement and extent of the National Library.

The National Museum, of which the Smithsonian Institution at present has charge, and which occupies all the available space in the Smithsonian building, is composed of the various collections brought in by surveying and exploring expeditions of the United States, including those of Captain Wilkes and hundreds of others, without taking into consideration the special collections made to illustrate the industries of the United States at the Centennial Exhibition.

This National Museum was originally in charge of the Patent Office, and for its exhibition there an appropriation was made by Congress, from about 1842. When, in 1857, the Government collections then extant were taken charge of by the Smithsonian Institution, the appropriations previously made to the Patent Office were continued to the Institution, and provision has ever since been made for that purpose. It is, therefore, we conceive, clearly the duty, under the law, of the Smithsonian Institution to take charge of at least "the collections of nature and art, and of foreign and curious research, natural history, and of mineralogy and geology;" and as all the material property of this kind is in charge of the Smithsonian Institu-

tion, there would be an eminent propriety in connecting the new building with the old, and directing the Smithsonian to extend over it and its contents its care and supervision.

Estimates and plans for a building of the kind referred to have been prepared, and it is thought the whole work can be accomplished at an expense not to exceed \$260,000; this to include the cost of steam heating, perhaps, which will of course be necessary to render the building comfortable in winter.

Should the exhibit of the War Department be included in this building, and machinery in motion be required, the same steam boilers required for the heating of the building would furnish the necessary motive power.

To sum up, therefore, the material belonging to the United States for which provision is now required consists of the collections at present stored in the basement of the Smithsonian building and hitherto not publicly exhibited, consisting of quadrupeds, birds, fishes, fossils, minerals, etc., and requiring nearly 20,000 square feet of floor. Second, the collections made at the expense of the Centennial fund by the Smithsonian Institution, the Commission of Food-fishes, and the Indian Bureau; for these a space of 40,000 feet is needed. Third, the collections presented to the United States by foreign governments, by States, and by various private exhibitors, needing 20,000 feet. Fourth, allowance for the completion of the exhibits of the mineral wealth of the country by different States of the Union, 20,000 feet, or an aggregate of 100,000 square feet, which space could be used to advantage.

SPENCER F. BAIRD,

*Representative Smithsonian and Food-fishes*

*Department at International Exposition, 1876.*

Prof. JOSEPH HENRY,

*Secretary Smithsonian Institution.*

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[International exhibition, 1876.—Board on behalf of United States Executive Departments.]

UNITED STATES DEPARTMENT OF AGRICULTURE,

*Washington, D. C., January 31, 1877.*

SIR: I take the liberty of addressing you relative to the proposed new building for a National Museum. As representative of this Department at Philadelphia last summer, I became the official recipient of a large quantity of valuable exhibits—presentations from foreign governments to that of the United States—all of which must remain unopened until some suitable place is fitted up for their proper arrangement, as there are no accommodations in the Department for them and I have great difficulty in getting them stored even in bulk so that they will not suffer injury.

These donations are of great value. Having paid considerable attention to vegetable fibers for twenty years, I feel that we have now, in these donations, a collection perhaps equal to that of any existing museum. The collection of native and foreign woods is very extensive; that of the former has never been equaled, in fact, it never has been systematically attempted until we collected for the late exposition. We could occupy 8,000 to 10,000 square feet of surface very profitably with the articles on hand.

As to the educational value of museums of natural history, it can not well be over-rated; as a means of diffusing instruction and rational amusement among the people and giving to the scientific student every possible means of practical examination and study of specimens connected with the nature of his researches, museums stand foremost as practical educators; their influence in promoting and extending manufactures and commerce is being appreciated throughout the world; they are the natural offspring of international exhibitions; they are permanent exhibits of the world's progress.

Sincerely hoping that Congress will, through your committee, make provision for these exhibits,

I have the honor to be, your obedient servant,

WILLIAM SAUNDERS,  
*Representative Agricultural Department.*

Hon. JAMES H. HOPKINS.

*List of the more important collections presented by foreign commissioners to the United States Government, and taken charge of in behalf of the National Museum by the Smithsonian Institution.*

#### ARGENTINE REPUBLIC.

DR. ERNESTO OLDENDORFF, *Commissioner.*

Ores of metals, minerals, pottery, tiles, stuffed animals, leathers and hides, nets, fishery products, samples of woods, fibers, seeds, grains, specimens of silk and wool in great variety. This donation embraces almost the whole of the exhibit in Agricultural Hall and a large portion of that in the main building.

#### AUSTRIA.

DR. FRANCIS MIGERKA, *Commissioner.*

Specimens of mineral wax (ozokerite) and a variety of mineral and industrial products.

#### BELGIUM.

COUNT D'OUTREMONT, *Commissioner.*

Some specimens of industrial products.

#### BRAZIL.

DR. J. M. DA SILVA COUTINHO, *Commissioner.*

Specimens of iron; coal, hides, leather; tiles and pottery in great variety; specimens in large number of woods, vegetable fibers, substances used as foods; gums, resins, etc. This collection embraces nearly the whole of the immense display in the agricultural building and a part of that in the main building.

#### CHILE.

EDWARD SHIPPEN, Esq., *Commissioner.*

A collection of minerals and ores, artificial stone, tiles, terra-cottas, and an extensive variety of grains, seeds, and other vegetable products, embracing by far the largest part of the display of the Chilean Government in the main building.

#### CHINA.

J. L. HAMMOND, *Commissioner.*

The entire exhibit made by the commissioners of customs of China and displayed in the mineral annex. It includes a complete representation of the manners and customs of the Chinese, such as samples of their foods, medicines, clothing; their domestic and household utensils, their ornaments, objects used in their plays and festivities, etc. In the collection are numerous full-sized figures, beautifully executed

and suitably dressed, representing the different ranks and classes in the community. Many hundreds of clay figures, about 1 foot in height, illustrating the different races of the Empire; specimens of cotton and silk in great variety; samples of paper, leather, and the like; samples of pottery, such as vases, teapots, pipes; matting, baskets, etc. This collection is of unparalleled interest, and cost the Chinese Government a large sum of money. It will require a space fully equal to half of one of the halls of the National Museum for its exhibition. There are also three ornamental gateways, three cases, and two pagodas, as used in the main building for purposes of exhibition; musical instruments, specimens of wrought iron and other metals, bamboo ware, glass; specimens of tea, oils and woods, tobacco and sugar. The entire collection (exclusive of the ornamental gateways and cases) filled twenty-one large wagons.

#### EGYPT.

E. BRUGSCH, *Commissioner*.

Collection of minerals, tiles, and pottery; garden products in great variety, samples of wood, and a large collection of objects illustrating the habits and customs of the natives of Soudan, Nubia, and Abyssinia, such as musical instruments, weapons, clothing, etc.

#### FRANCE.

CAPTAIN ANFRYE, *Commissioner*.

No collective exhibit was made by the Government, but Messrs. Haviland, of Limoges, France, presented a pair of centennial memorial vases, valued at \$17,000, and requiring the erection of a special kiln for their production, together with a large panel of tiles.

#### GERMANY.

MR. BARTELS, *Commissioner*.

Specimens of tiles, cements, asphalt work, fire bricks, manufactures in metals and woods from the commissioner, and from Mr. F. Krupp, of Essen, a very extensive display illustrating the mineralogy and metallurgy of the iron trade of Germany, with samples of the different manufactures made at the great gun works at Essen. This collection is one of the largest and most complete at the exhibition, and attracted great attention. A special catalogue of this collection was printed by the exhibitor.

#### HAWAII.

H. R. HITCHCOCK, *Commissioner*.

Collections of the volcanic and other rocks and minerals, ropes and fibers, tobacco, sugar, oils, models of boats, nets, and vegetable products in large variety.

#### ITALY.

JOSEPH DASSI, *Commissioner*.

Samples of alabaster, terra cotta, marbles, etc.

#### JAPAN.

LIEUT. GEN. SAIGO TSUKMICH, *Commissioner*.

A valuable series of tiles and other pottery; the large exhibit of the fisheries of Japan in the agricultural building, including both products and apparatus; skins and

hides of animals, various food preparations, and a series illustrating the materials and manipulations employed in the manufacture of tea and silks; also manufactures of bamboo.

#### MEXICO.

DR. MARIANO BARCENA, *Commissioner*.

The greater part of the exhibit of the natural products of the country as shown in the main building, including the ores of gold and silver, obsidian, woods, fibers, and other vegetable products, pottery, and terra cotta. Among the most notable mineral specimens may be mentioned an iron meteorite weighing 4,000 pounds.

#### NETHERLANDS.

DR. E. H. VON BAUMHAUER, *Commissioner*.

Agricultural products in considerable variety; specimens illustrating the fisheries of Holland, including cod-liver oil, etc.; tiles, cements, etc.

#### NORWAY.

WILLIAM C. CHRISTOPHERSEN, *Commissioner*; GENHARD GADE, *Assistant Commissioner*.

A very large collection of ores and other specimens illustrating the metallurgy of iron, copper, nickel, etc.; collection illustrating the eatable fishes of northern Europe, samples of prepared fishes, samples of food preparations, etc.; great variety of agricultural products.

#### ORANGE FREE STATE.

CHARLES W. RILEY, *Commissioner*.

A collection of agricultural products.

#### PERU.

JOSE CARLOS TRACY, *Commissioner*.

A series of the principal food and other vegetable products in that country.

#### PORTUGAL.

M. JAYME BATALHO REIS, *Agricultural Commissioner*; M. LOURENCO MALHEIRO, *Industrial Commissioner*.

The greater part of the very extensive exhibit of minerals, ores, etc., in the main building; also pottery, samples of industrial products, glass work, paper, etc., and a full series of the vegetable productions of the Kingdom in nearly two thousand varieties. A portion only of this collection filled 60 large boxes.

#### RUSSIA.

GEN. CHARLES DE BIELSKY, *Commissioner*; CAPTAIN NICHOLSKY AND CAPTAIN SEMELSHKEN, *Assistant Commissioner*.

An enormous collection, illustrating the metallurgy of copper and iron, including different varieties of Russian iron and steel; the very extensive collection of minerals of Siberia, exhibited by the school of mines, and valued at a high price; samples of rope and cordage, pottery, tiles, cement, and isinglass and other products of the sturgeon.

SPAIN.

COL. F. LOPEZ FABRA, *Commissioner*.

A collection of great magnitude, illustrating the mines and mining of coal, iron, copper, and silver, salt, etc., in the Kingdom of Spain; a very large number of bricks, tiles, earthenware, and pottery; illustrations of the various fibers and other materials for basket work, cordage; industrial products in great variety, including samples of paper, leather, etc.—a complete series illustrating the agricultural resources of the country.

From the Philippine Islands, as one of the colonies of Spain, were received samples of native work in the form of baskets, nets, boats, etc., and hemp fibers.

SWEDEN.

C. JUHLIN-DANFELT, *Commissioner*.

The entire exhibit of Sweden made in the agricultural department, illustrating the fisheries and agriculture of Sweden, including also specimens of fish, food-fish preparations, etc., specimens of peat-working machinery, apparatus for deep-sea sounding and dredging, and also for collecting specimens of natural history, photographs of arctic scenery, etc.

SIAM.

*No commissioner.*

A collection illustrating the products, the industries, etc., of the Kingdom of Siam, made for the Centennial Exhibition with the understanding that it should be presented to the United States at the close. This filled 216 boxes, and embraces many articles of great pecuniary value. This collection, with those from China and Japan, will require a room as large as the upper floor of the Smithsonian Institution for satisfactory display.

SWITZERLAND.

MR. EDWARD GUYER, *Commissioner*.

Specimens illustrating the geology of the Alps and St. Gotthard Tunnel.

TURKEY.

G. D'ARISTARCHI BEY, *Commissioner*.

Illustrations of the metal work of the country; of its mines and minerals, its tiles and pottery, domestic and household utensils; samples of iron and steel, etc.

TUNIS.

G. H. HEAP, Esq., *Commissioner*.

A thrashing machine such as has been used from the time of the ancient Carthaginians.

UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, INCLUDING COLONIES.

GREAT BRITAIN.

COL. H. B. SANDFORD, *Commissioner*.

A very large collection of the private exhibits of tiles, terra cottas, bricks, and pottery, sanitary ware, as also many industrial products in great variety. Among the more notable articles in the series are collections of tiles and mosaics from Messrs.

Minton & Hollins, and many specimens from Messrs. Doulton, of Lambeth, among them several large vases. Some highly important deposits have also been made, subject to recall after a certain period. Chief among these is the allegorical representation of America, a duplicate of that furnished by the Messrs. Doulton to the Albert Memorial in London, embracing several colossal figures. This group is valued at \$15,000. Also the large terra-cotta pulpit and font, and many other specimens of great variety; an extremely complete and important collection of samples of wools from all parts of the world, presented by Messrs. John L. Bowes & Brothers, embracing over three hundred varieties, each suitably labeled, with prices marked, etc. A similar collection of wools in the fleece exhibited by Messrs. James Oddy & Sons.

#### BERMUDA.

A. A. OUTERBRIDGE, Esq., *Commissioner*.

A great variety of specimens of corals, shells, and other marine objects, models of boats, samples of stone and wood.

#### CANADA.

Prof. A. L. SELWYN, *in Charge of Geological Exhibit*.

An extensive collection of the rocks of British North America, many hundreds of specimens exhibited by the geological survey; specimens of coals from all parts of the Dominion; ores of different kinds, samples of iron, steel, and copper, stoneware and pottery.

#### NEW SOUTH WALES.

AUGUSTUS MORRIS, Esq., *Commissioner*.

The extensive exhibit illustrating the mining resources, the natural history, and the botany and agriculture of the province, including a large model of the gold products of the colony up to the year 1875, and specimens of coal oil, shale, petroleum, etc.

#### NEW ZEALAND.

JAMES HECTOR, Esq., *Commissioner*.

The entire exhibit of the animal, vegetable, and mineral kingdoms of the colony, and also specimens illustrating its ethnology. Among these specimens is a model of the gold product of the colony and specimens of its coal.

#### QUEENSLAND.

ANGUS MACKAY, Esq., *Commissioner*.

Model of the gold product of the colony; specimens of ores of copper, iron, and gold; a large collection of native woods, fibers, and other products.

#### SOUTH AUSTRALIA.

S. DAVENPORT, Esq., *Commissioner*.

A full series of all the exhibits from the animal, mineral, and vegetable kingdoms.

#### TASMANIA.

H. P. WELCH, Esq., *Commissioner*.

Specimens of the iron and other ores; leather, woods, seeds and grains, fibers, wools, etc.

## VICTORIA.

SIR REDMOND BARRY, *Commissioner*.

The entire collection of useful economical minerals of the country exhibited by the mining department; specimens of stoneware and other products; extensive collections of grains, wools, fruits, fibers, and woods; samples of paper, gums, etc.

## VENEZUELA.

Mr. LEON DE LA COVA, *Commissioner*.

The entire exhibit made by this country of minerals, ores, articles of materia medica, fruits, fibers, extracts, etc.

In general it may be stated that from the countries mentioned in the foregoing the exhibits made by the commissioners in behalf of their respective governments, so far as relates to the animal, vegetable, and mineral kingdoms and their applications, have been presented to the United States, in some cases without any exception whatever; in others, all except a few duplicates, which were presented to other foreign commissions or to institutions in the United States. Indeed, the only countries from which absolutely nothing was received were Denmark, Luxembourg, Bahamas, British Guiana, Cape of Good Hope, and Jamaica, the exhibits of these countries being either entirely private property or borrowed from the Colonial Museum in London and necessarily returned.

## ACT OF ORGANIZATION OF SMITHSONIAN INSTITUTION AMENDED.

*February 27, 1877.*

Section 5579 (of Revised Statutes) is amended by striking out in the fourth line the words "the Patent Office," and inserting the word "Patents," [so that the section will read:]

(Stat. XIX, 253.)

The President, the Vice-President, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Postmaster-General, the Attorney-General, the Chief Justice, the Commissioner of Patents, and the governor of the District of Columbia, and such other persons as they may elect honorary members, are hereby constituted an establishment, by the name of the 'Smithsonian Institution,' for the increase and diffusion of knowledge among men, and by that name shall be known and have perpetual succession, with the powers, limitations, and restrictions hereinafter contained, and no other.

(Revised Statutes, 1878, 2d edition, 1082.)

## FREE POSTAGE.

*March 3, 1877.*

An act establishing post roads, etc., and for other purposes.

*Be it enacted, etc.:*

SEC. 5. That it shall be lawful to transmit through the mail, free of postage, any letters, packages, or other matters relating exclusively to the business of the Government of the United States: *Provided,*

That every such letter or package to entitle it to pass free shall bear over the words "Official business" an indorsement showing also the name of the Department, and, if from a bureau or office, the names of the Department and bureau or office, as the case may be, whence transmitted. And if any person shall make use of any such official envelope to avoid the payment of postage on his private letter, package, or other matter in the mail, the person so offending shall be deemed guilty of a misdemeanor, and subject to a fine of three hundred dollars, to be prosecuted in any court of competent jurisdiction.

SEC. 6. That for the purpose of carrying this act into effect, it shall be the duty of each of the Executive Departments of the United States to provide for itself and its subordinate offices the necessary envelopes: and in addition to the indorsement designating the Department in which they are to be used, the penalty for the unlawful use of these envelopes shall be stated thereon.

(Stat., XIX, 335.)

(Extended to Smithsonian Institution by act of March 3, 1879.)

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#### FORTY-FIFTH CONGRESS, 1877-1879.

##### NATIONAL MUSEUM—BUILDING REQUIRED FOR GOVERNMENT COLLECTIONS.

October 8, 1877.

*Letter from the Secretary of the Smithsonian Institution to the President of the United States.*

SIR: I have the honor, in behalf of the Board of Regents of the Smithsonian Institution, to invite your attention to the propriety of recommending to Congress the memorial of the Board of Regents (a copy of which is herewith inclosed), asking that an appropriation be made for a building to accommodate the valuable collections presented to the United States through this Institution at the late international exhibition in Philadelphia.

As explanatory of this request it may be proper to state that the Smithsonian Institution was authorized by Congress to receive and take charge of these collections, and that they were presented with the expectation on the part of the donors that suitable provision would be made for their display at the seat of government. They consist of full series of articles illustrative of the economic products, the natural history, and in many cases the manners, customs, and arts of the foreign countries represented at the Centennial Exhibition, and are of great importance to the advancement of science, education, and manufacture. Besides these are the objects collected by the Smithsonian

Institution and United States Fish Commission of the animal, mineral, and fishery resources of the United States, also of public interest.

These articles now constitute, by law, a part of the National Museum, which has been placed by Congress in charge of the Smithsonian Institution. This Museum has hitherto been accommodated in the building erected for the purpose at the expense of the Smithsonian fund, in accordance with the direction of Congress. This edifice, however, is filled to overflowing, while there are elsewhere, on storage, from the donations previously mentioned, collections of greater magnitude than those in the Smithsonian building.

It is evident that an appropriation for an additional building can not justly be taken from the Smithsonian fund, and therefore the Board of Regents have made the application mentioned in their memorial. This memorial<sup>1</sup> was presented to Congress at its last session, when the appropriation asked for was granted by the Senate unanimously, and when, in all probability, it would have been granted by the House could the proposition have been brought to the consideration of that body.

I am, with sentiments of high esteem, your obedient servant.

JOSEPH HENRY,

*Secretary Smithsonian Institution.*

HON. RUTHERFORD B. HAYES.

*December 3, 1877—House.*

*Extract from message of President R. B. Hayes.*

I earnestly commend the request of the Regents of the Smithsonian Institution that an adequate appropriation be made for the establishment and conduct of a national museum under their supervision.

*January 21, 1878—House.*

Mr. CASEY YOUNG introduced a bill (H. 2662) for the erection of a fireproof building for the National Museum:

That for a fireproof building for the use of the National Museum, 300 feet square, to be erected under the direction and supervision of the Regents of the Smithsonian Institution, in accordance with the plan of Maj. Gen. M. C. Meigs, now on file with the Joint Committee of Public Buildings and Grounds, on the southwest corner of the grounds of the Smithsonian Institution, the sum of \$250,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated; said building to be placed west of the Smithsonian Institution, leaving a roadway between it and the latter of not less than 30 feet, with its north front on a line parallel with the north face of the buildings of the Agricultural Department and of the Smithsonian Institution; and all expenditures for the purposes herein mentioned, not including anything for architectural plans, shall be audited by the proper officers of the Treasury Department.

Referred to Committee on Public Buildings and Grounds.

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<sup>1</sup> See Smithsonian Report for 1876, page 129, and Documents relative to Smithsonian Institution, p. 749.

*February 25, 1878—House.*

Mr. CASEY YOUNG, from the Committee on Public Buildings and Grounds, submitted a report (No. 244) to accompany the bill H. 2662:

The National Museum of the United States, at present in charge of the Smithsonian Institution, was first authorized and established by the act of Congress approved August 10, 1846, organizing the Institution, which provides—

That, in proportion as suitable arrangements can be made for their reception, all objects of art and of foreign and curious research, and all objects of natural history, plants, and geological and mineralogical specimens, belonging, or hereafter to belong, to the United States, which may be in the city of Washington, in whosoever custody the same may be, shall be delivered to such persons as may be authorized by the Regents of the Smithsonian Institution to receive them, and shall be arranged in such order and so placed as best to facilitate the examination and study of them.

The same act also authorized the reception of donations generally, and provides for the increase of the museum by the exchange of duplicate specimens.

This action of Congress was in accordance with the practice and policy of all civilized nations, the national museums thus constituted being maintained at an expenditure of money which, however large, is considered as necessary and proper in the interest of the people. Conspicuous instances of such museums are found in the national establishments of Great Britain, France, Spain, Germany, Holland, Denmark, Sweden, Russia, Austria, Chile, Buenos Ayres, Brazil, Mexico, and many other countries.

When a national museum for the United States was authorized in 1846, the collections belonging to the Government consisted principally of what had been brought home by the Wilkes Exploring Expedition, which at the time occupied and filled the upper story of what is now the south wing of the Patent Office. Appropriations had been made for several years for the care and supervision of these collections while in the Patent Office, and when they were transferred to the Smithsonian edifice these appropriations were continued, and increased from time to time as the material to be cared for required.

For several years but few additions were made to the National Museum beyond the occasional contributions of individuals, but in 1852 a great influx of specimens began from the numerous Government expeditions which were then carried on—among them the United States Naval Astronomical Expedition to Chile, under Lieutenant Gilliss; the expedition to Japan, under Commodore Perry; the Bering Straits Expedition, under Captains Ringgold and Rodgers; the surveys for a railroad route to the Pacific, under the War Department; the Mexican Boundary Survey, under the Interior Department; the numerous wagonroad expeditions, etc.

These were followed a little later by the contributions from the

Northwestern Boundary Survey, in charge of Mr. Archibald Campbell, under the State Department; and, after another interval of a few years, by the results of the geological and other surveys by Professor Hayden, Lieutenant Wheeler, Major Powell, and others.

The number of important explorations, yielding results of decided magnitude, for the most part carried on under Government auspices, or more or less at the expense of the Smithsonian fund to the end of 1877, or thirty-one years from the organization of the National Museum, amounts to about 250, while other contributions from private sources have constituted an enormous aggregate during the same period.

Up to the beginning of the year 1875 no appropriations were made by Congress for the purchase of specimens of any kind whatever, the expenditures being for salaries, cases, materials, transportation, etc., the collections of the various Government expeditions, the contributions of correspondents, and the exchanges with museums at home and abroad constituting the sole mode of increase. The National Museum of the United States is believed to be the only one in the world which has grown from so small a beginning to such magnitude without the disbursement of large sums of money in the purchase of collections.

The occasion of the International Exhibition, intended to celebrate at Philadelphia the one-hundredth anniversary of the foundation of the United States, was chosen by authority of Congress, and with funds provided for the purpose, to present an epitome of the powers and resources of the United States in peace and war, the various Executive Departments being called upon to do their part to carry out this object. The Smithsonian Institution, as having charge of the National Museum, undertook the labor of showing the economical value of the mineral and animal products of the country, and the United States Fish Commission to prepare whatever might illustrate the important subject of the national fisheries. The Agricultural Department prepared to complete the illustration of the natural resources of the United States so far as the vegetable kingdom and its products were concerned. In connection with the Indian Bureau of the Interior Department, the Smithsonian Institution also made arrangements to display the condition of the aboriginal tribes of the United States in both prehistoric and modern times.

Although, as the result of the various agencies already referred to, the National Museum contained a large amount of appropriate material before commencing operations for the purpose in question, there were yet many gaps that were required to be filled up before the United States could be worthily represented at Philadelphia, and the necessary appropriations for the purpose were made by Congress. The entire amount assigned to the service of the Smithsonian Institution in two successive appropriations was \$100,000. The United States Fish Com-

mission received \$10,000, and the Indian Bureau \$31,370.55 for the purpose referred to, making a total of \$141,370.55. Of this a considerable portion was required toward the construction of the Government buildings, the maintenance of guards and police, the salaries of persons employed in the building, etc. The expenditures tending directly toward the increase and perfection of the collection amounted, however, to at least \$120,000, this sum being disbursed exclusively in the collection, preparation, and display of objects belonging to the Territories of the United States, and having no reference whatever to those of foreign countries.

In the appendix will be found a general statement of the collections thus exhibited, although full details would be too extended for the present report. It is estimated that a simple enumeration of the objects displayed under the head of the animal and fishery division alone will occupy a volume of 600 octavo pages, the catalogue of the mineral and ethnological divisions requiring scarcely less space in addition.

The entire space in the Government buildings at Philadelphia occupied by the various collections of the Smithsonian Institution, the United States Fish Commission, and the Indian Bureau amounted to about 33,500 feet, or about one-third of the whole.

It is satisfactory to know that the efforts of the Smithsonian Institution, with the cooperation above referred to, to carry out the wishes of Congress were entirely successful and that there was but one opinion, both by Americans and foreigners, as to the completeness and value of the exhibition.

During the progress of the Centennial Exhibition it was intimated to the Smithsonian Institution that a number of foreign collections would be presented to the United States Government at its close, but the number and magnitude of these donations proved to be vastly in excess of any anticipations that could have been formed. Many of the foreign commissioners had intended to divide their collections among different establishments in the United States, but as this promised to involve serious complications with the custom-house authorities it was thought expedient by most of them to present the entire series to the United States, which, of course, would receive them free of duty, and with the understanding that any duplicates not needed for the National Museum might be distributed among the various educational and scientific establishments of the country. Accordingly, out of forty countries which made Government exhibits at Philadelphia thirty-four presented the greater part or the whole of their collections to the United States. These represented an aggregate of great magnitude and value, including a variety of valuable ores and samples of the metals derived from them, with their simpler applications in art and industry, building stones, pottery and porcelain earthenware, terra cottas,

porcelain, etc., samples of furs and other animal products, woods, fibers, grains, vegetable substances used in dyeing, tanning, etc., apparatus for the pursuit and capture of wild animals, for the taking of fish and for fish culture, collections showing the manners and customs of people of various degrees of civilization, industrial products, and other articles too numerous to mention, but referred to in somewhat greater detail in the appendix, thus placing at the service of the people of the United States that portion of the International Exhibition which was considered of most value, and permitting the reproduction, in better form and of more instructive character, of all the best part of the display.

In addition to the collective exhibit of the foreign commissioners thus referred to many specimens were supplied by individuals and firms belonging to various foreign countries. The cost to the respective Governments of the articles thus turned over to the United States was at least half a million of dollars. Their value to the United States, in allowing a comparison of home product with those of foreign countries and in improving American methods and processes by study of the apparatus and results of those of the rest of the world, can not be represented in figures.

In addition to the above-mentioned contributions a large proportion of the State displays and those of individual American exhibitors at Philadelphia are also to be added to the list of acquisitions.

It having become evident during the Philadelphia exhibition that the Smithsonian building in Washington would be entirely inadequate to accommodate the expected acquisitions, Congress, by its act of July 31, 1876, appreciating this fact, placed at the disposal of the Institution the Armory building, between Sixth and Seventh streets, to enable it to store therein and to take care of the extensive series of the ores, of the precious metals, marbles, building stones, coals, and numerous objects of natural history then on exhibition in Philadelphia, including other objects of practical and economical value presented by various foreign Governments, and appropriated the sum of \$4,500 for repairing and fitting it up for the purpose.

In addition to this Congress appropriated, March 3, 1877, \$25,000 for the expenses of receiving, packing, and transporting the objects presented to the United States at the Centennial by State and foreign Governments and for properly storing and preserving them until a proper disposition can be made of the same.

In accordance with this arrangement the specimens referred to were in great part deposited, on reaching Washington from Philadelphia, in the Armory building. This is an edifice 100 feet in length by 50 in breadth, having four stories, or representing a whole floor capacity of 20,000 square feet. These rooms are now filled from floor to ceiling with the objects referred to, which, for the most part, still remain boxed

up in the condition in which they were originally transferred from Philadelphia, some 4,000 boxes or packages in all, and subject to various forms of deterioration and injury.

The museum halls of the Smithsonian Institution prior to the Philadelphia exhibition were filled almost to their utmost capacity, and but a very small proportion of the collections either prepared on purpose for exhibition at Philadelphia or obtained there are displayed in them at the present time. Besides the 20,000 square feet of floor covered with packages in the Armory building the entire basement of the Smithsonian building is filled with other packages, representing nearly an equal amount, and quite as important in an educational point of view to the people of the United States.

The collections in the Smithsonian building now open to the public occupy about 30,000 square feet of floor space. It is quite within bounds to estimate that the articles stored away will require for their satisfactory exhibition between three and four times that area, even allowing for a great reduction of the objects by the elimination and distribution of the duplicate specimens. There is no provision whatever at present for the display of these articles, and unless Congress furnishes the means this magnificent property of the people will go to decay and destruction in the course of time, the animal products being destroyed rapidly by insects and many objects of a mineral or metallurgical character by rust.

As every day of delay in arranging and exhibiting this collection is accompanied with the question of erecting a suitable building for its accommodation and has occupied the attention of the Smithsonian Institution, a plan has been devised which, it is believed, will furnish the facilities required in the shortest possible interval of time and at the minimum of expense.

To erect an edifice of the necessary magnitude, in the style of architecture heretofore adopted by the Government for its use in Washington, would involve an expenditure of many millions of dollars, and it could not be completed and available for occupation in a shorter period than from five to eight years. Nevertheless, on a simple plan originally suggested by General Meigs, a building somewhat similar in character to those erected for the National Exposition, 300 feet square, or having an area of 90,000 square feet—something over two acres—perfectly fireproof, amply lighted, and properly adapted for all its objects, can be constructed for about \$250,000, and can be ready for occupation within ten months, or at most a year, from the time of its commencement.

By the plan contemplated everything would be on one floor, without any stairways or second story, no cellar or fireproof floor being required. The single floor of the building to be of concrete, and thus

water and vermin proof; the walls and other portions of the building of brick; and the beams, rafters, and framework of the roof of iron, without a particle of wood.

It is therefore much to be desired that the means be furnished at an early day for the construction of this building, so that the rich material now belonging to the United States Government can be utilized.

It is believed that when properly arranged the National Museum of the United States will take rank as one of the great industrial and economical displays of the natural resources of the globe. The accommodation will then be afforded for the exhibition of the mineral wealth of every State and Territory, and the display of samples of every new mine, with all the appliances for rendering the study of the whole interesting and profitable. The coals, the marbles, and other ornamental minerals will be exhibited systematically; the useful and ornamental products and derivatives of the animal kingdom will be shown—not only such as relate to the United States, but with illustrations of the whole subject in other parts of the world—which can not fail to suggest new and important applications in this country. Illustrations of the food and other fishes of this and other countries, the best methods of securing them and of preparing them for the requirements of mankind, and the varied productions of the aboriginal races of North America can also be displayed on a proper scale.

To illustrate more fully the necessity and importance of the early construction of the building provided for by this bill, the committee deem it proper to embrace in this report the following list of the more important collections presented by foreign commissioners to the United States Government and taken charge of in behalf of the National Museum by the Smithsonian Institution. (Printed in Smithsonian Report for 1876, pp. 131–137.)

Ordered to be printed and recommitted.

*March 6, 1878—House.*

Mr. CASEY YOUNG, from Committee on Public Buildings and Grounds, reported favorably the bill H. 2662.

(See January 21, 1878, House proceedings.)

Mr. JOHN R. EDEN made a point of order that the bill should receive first consideration in the Committee of the Whole.

The Speaker (Mr. SAMUEL J. RANDALL) sustained the point of order, as the bill contained an appropriation.

Bill referred to Committee of the Whole and placed on the public calendar.

*May 27, 1878—Senate.*

Mr. JUSTIN S. MORRILL introduced bill (S. 1320) for fireproof building for National Museum.

Referred to Committee on Public Buildings.

*December 16, 1878—Senate.*

Mr. HENRY L. DAWES by unanimous consent introduced a bill S. 1519 or the erection of a fireproof building for the National Museum.

That for a fireproof building for the use of the National Museum, 300 feet square, to be erected under the direction and supervision of the Regents of the Smithsonian Institution, in accordance with the plans now on file with the Joint Committee of Public Buildings and Grounds, on the southeast corner of the grounds of the Smithsonian Institution, the sum of \$250,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated; said building to be placed east of the Smithsonian Institution, leaving a roadway between it and the latter of not less than 50 feet, with its north front on a line parallel with the north face of the buildings of the Agricultural Department and of the Smithsonian Institution; and all expenditures for the purposes herein mentioned, not including anything for architectural plans, shall be audited by the proper officers of the Treasury Department.

Referred to Committee on Public Buildings and Grounds.

*January 7, 1879—Senate.*

Mr. J. S. MORRILL introduced a bill (S. 1574) for the erection of a fireproof building for the National Museum, the same as that introduced December 16, 1878, in the Senate by Mr. H. L. Dawes, with the following change:

With its north front on a line with the south face of the buildings of the Agricultural Department and of the Smithsonian Institution.

Referred to Committee on Public Buildings and Grounds.

*January 9, 1879—Senate.*

Reported favorably by Committee.

*January 13, 1879—Senate.*

Mr. JUSTIN S. MORRILL. I move that the Senate proceed to the consideration of the bill (S. 1574) for the erection of a fireproof building for the National Museum. It will not take five minutes when the bill is explained.

Agreed to.

Mr. MORRILL. Mr. President, it will be remembered that a bill similar to this passed the Senate unanimously two years ago. It was not reached in season in the House to be acted upon regularly and could only be considered by that body under a suspension of the rules. The motion to suspend the rules for that purpose received a very large majority there, but not quite a two-thirds vote. The bill has been recommended by the committees of both Houses, I believe, unanimously.

It will also be remembered that we made an appropriation for the centennial celebration of a million and a half dollars, and that sum was repaid to the United States, but the contributions made by the United States cost the Government about \$150,000. In addition to these contributions we have, of 34 States and nationalities out of 41, their entire contributions made at the centennial celebration. These con-

tributions are now stored in the armory four stories high, there being 4,000 boxes packed as full as the armory can hold. It was naturally supposed by the governments which made these very generous contributions to the United States that they would be placed where the public could see them. We have immense riches in this line. The results of over 200 exploring expeditions are now garnered in this city in various localities, but without the possibility of their being properly exhibited.

Mr. President, I suppose that the contributions of some of these States that were given to us, say of Siam, China, and Japan, will at the present moment, when properly displayed, occupy more space than the largest hall in the Smithsonian Institution, and must have cost those Governments a very large sum of money, perhaps over \$100,000. The contributions that come to us from abroad and from our various States and Territories are specially rich and valuable in iron, silver, and gold ore, especially those of Norway, Sweden, Russia, Spain, Portugal, Brazil, Australia, and New Zealand, and our own contributions are exceedingly valuable in ores, metals, coals, building stones, earth and clays for the potter's art, including all the economical products of the animal kingdom, as furs, hides, skins, preparations of fish and marine products, all the apparatus with which these animals were captured and utilized, generally whatever illustrates animal and mineral nature throughout the United States, and also a complete illustration of the Indian tribes, costing about \$40,000. These are not merely curiosities, but they are specimens of objects that will be permanently interesting and useful to the whole country.

I may say that the contributions from the extreme eastern states, from Siam, Japan, and China, including bronzes of rare workmanship, could not have cost less, as I have said, than \$100,000. At the present time, in the basement of the Smithsonian Institution, there is three times as much stored away as is on exhibition. I may say also that there are five pieces alone that were given to us from the Centennial Exposition upon which the actual cost or the estimate of the custom-house department upon their value was \$48,000. They are now publishing a volume containing a list of what they have of animal products and products of the fisheries, where the title, occupying but a single line, will fill 350 pages, and this is only one branch of the extensive collection which is to find a place in the new building proposed.

I suppose, Mr. President, that every Senator who has made any sort of investigation of this subject agrees as to the propriety of this building being erected for the purpose of accommodating these large results of our exploring expeditions and the Centennial Exposition, and the various collections belonging to the Government that are now gathered together in this city. The building will occupy a space on

the east of the Smithsonian Institution, and will only cost \$250,000, and it is to be under the direction of the Smithsonian Institution.

Mr. GEORGE F. EDMUNDS. I should like to call the attention of my colleague to the seventh and eighth lines of the bill, where, in speaking of the location of the building, it reads that it is to be located "on the southeast corner of the grounds of the Smithsonian Institution." That, taken literally, might seem to require that it be located exactly in the southeast corner, which is not intended, as can be seen further along. But, to make it clear, I suggest to him to make it read to be located "on the southeast part of the grounds of the Smithsonian Institution," to save all possible question.

Mr. MORRILL. I have no objection to that amendment.

The Vice-President (Mr. W. A. WHEELER). To this there can be no objection, and the amendment is agreed to.

The bill was passed.

*February 28, 1879—Senate.*

An amendment to the sundry civil bill for 1880 was offered:

For a fireproof building for the use of the National Museum, 300 feet square, to be erected under the direction and supervision of the Regents of the Smithsonian Institution, in accordance with the plans now on file with the Joint Committee on Public Buildings and Grounds, on the southeastern portion of the grounds of the Smithsonian Institution, \$250,000; said building to be placed east of the Smithsonian Institution, leaving a roadway between it and the latter of not less than 50 feet, with its north front on a line with the south face of the buildings of the Agricultural Department and of the Smithsonian Institution; and all expenditures for the purposes herein mentioned, not including anything for architectural plans, shall be audited by the proper officers of the Treasury Department.

Agreed to.

*March 3, 1879.—House.*

Passed.

*March 3, 1879.*

Sundry civil act for 1880.

For a fireproof building for the use of the National Museum, 300 feet square, to be erected under the direction and supervision of the Regents of the Smithsonian Institution, in accordance with the plans now on file with the Joint Committee of Public Buildings and Grounds, on the southeastern portion of the grounds of the Smithsonian Institution, \$250,000: said building to be placed east of the Smithsonian Institution, leaving a roadway between it and the latter of not less than 50 feet, with its north front on a line with the south face of the buildings of the Agricultural Department and of the Smithsonian Institution: and all expenditures for the purposes herein mentioned, not including anything for architectural plans, shall be audited by the proper officers of the Treasury Department.

(Stat. XX, 397.)

NATIONAL MUSEUM—GOVERNMENT COLLECTIONS TO BE DEPOSITED.

*March 3, 1879.*

Sundry civil act for 1880.

All collections of rocks, minerals, soils, fossils, and objects of natural history, archæology, and ethnology, made by the Coast and Interior Survey, the Geological Survey, or by any other parties for the Government of the United States, when no longer needed for investigations in progress shall be deposited in the National Museum.

(Stat., XX, 394.)

NATIONAL MUSEUM—ESTIMATES.

*December 3, 1877—House.*

Estimates by the Secretary of the Smithsonian Institution for 1879 through the Secretary of the Interior.

Preservation and care of the collections of the National Museum, including those from the International Exhibition of 1876, \$35,000.

Expenses of making up into sets for distribution to colleges and museums, the duplicate ores, minerals, and objects of natural history belonging to the United States, \$5,000.

Preservation of collections, Armory building: Expense of watching and storage of articles belonging to the United States, including those transferred from the International Exhibition of 1876, \$2,500.

*December 2, 1878—House.*

Estimates by the Secretary of the Smithsonian Institution for 1880 through the Secretary of the Interior.

Preservation and care of the collections of the National Museum, including those from the International Exhibition of 1876, \$27,500.

Expenses of making up into sets for distribution to colleges and museums, the duplicate ores, minerals, and objects of natural history belonging to the United States, \$5,000.

Preservation of collections, Armory building: Expense of watching and storage of articles belonging to the United States, including those transferred from the International Exhibition of 1876, \$2,500.

Postage: Stamps are desired, of different values to the amount of \$1,000, as in previous years.

For printing labels, circulars, and blanks for the service of the National Museum, \$2,500.

For printing bulletins and proceedings of the National Museum, \$5,000.

[These items were included in the estimates asked for the Department of the Interior.]

February 17, 1879—House.

FEBRUARY 17, 1879.

Hon. A. S. HEWITT,

*Chairman, Subcommittee on Appropriations.*

SIR: I beg to comply herewith with your instructions to furnish some explanation of the reasons why the Smithsonian Institution asked for an appropriation of \$35,000 for the general purposes of the National Museum, when \$25,500 only was allowed for the present fiscal year.

I now have the honor to inclose a list of the appropriations for the service of the National Museum for the preservation and maintenance of the collections of the United States Government during the past seven years, from which you will see that a very abrupt and material reduction in the amount allowed for the purpose in question has been made for two years past, resulting in seriously embarrassing the operations of the Museum and preventing it from carrying out its full measure of usefulness.

Up to the period preceding the Centennial Exhibition the collections of the National Museum were comparatively limited and were readily administered by the appropriations made. In 1874, however, the appropriations for the Centennial Exhibition were begun, on which occasion the Institution was required by Congress to present a complete picture of the animal and mineral resources of the United States and of their applications to human industries.

With the large collections made up for exhibition at Philadelphia at an expense of about \$140,000, and the enormous mass of foreign contributions, we have now in our charge more than four times as much material as in 1873, requiring increased force and expenditure to keep it in proper condition.

Very respectfully, your obedient servant,

SPENCER F. BAIRD,

*Secretary, Smithsonian Institution.*

Schedule of appropriations made for the service of the National Museum, in charge of the Smithsonian Institution during the past seven years.

For 1873.....	\$25,000
For 1874.....	42,000
For 1875.....	30,000
For 1876.....	40,000
For 1877.....	37,500
For 1878.....	25,500
For 1879.....	25,500

The amount asked for for the fiscal year 1880 is \$35,000, in addition to which \$3,000 are desired for the purpose of carrying out the instructions of the Committee on Public Buildings in securing the

property of the United States in the Smithsonian building from danger by fire. This is to be expended in the construction of iron doors, for extension of the water pipes, for the purchase of hose, etc.

*February 18, 1879—Senate.*

Hon. WILLIAM WINDOM,

*Chairman, Senate Committee on Appropriations.*

SIR: I would respectfully ask the insertion by the Senate in the deficiency bill of the following item:

For the preservation of the specimens of the United States surveying and exploring expeditions, \$4,000.

The appropriation asked for by the Smithsonian Institution in behalf of the Government collections was reduced by the House from \$37,500 to \$18,000, the total appropriation for the purpose being \$25,000, as compared with \$37,500 in 1877, \$40,000 in 1876, \$30,000 in 1875, and \$42,000 in 1874.

This reduction rendered it necessary to discharge a large part of the force of the Museum employed in the preservation and investigation of the collections, and confine the work simply to protection of the articles against destruction. It was, of course, our duty to accommodate ourselves to the will of Congress; but unexpected expenditures have been rendered necessary by various causes, such as the destructive storms of last summer, which involved extensive repairs to the Museum building; the repairs of damages by bursting of water pipes in consequence of the severe frosts of winter; the necessity of introducing additional registers into the building to make it comfortable for visitors, and the carrying out of instructions of the Government committee to render the building secure against fire. For this purpose the Smithsonian Institution was ordered to insert iron doors, some of large size, in various openings and passageways so as to accomplish the security desired.

Begging that the committee, having given these reasons due consideration, will make the appropriation desired,

I have the honor to be, very respectfully, your obedient servant,

SPENCER F. BAIRD,

*Secretary, Smithsonian Institution.*

*February 26, 1879—House.*

Hon. J. H. BLOUNT,

*Chairman Subcommittee on the Deficiency Bill.*

SIR: May I ask from the subcommittee a favorable consideration of the item of \$4,000 introduced by the Senate into the deficiency bill for "Preservation of the collections of the United States surveying and exploring expeditions, in charge of the Smithsonian Institution"?

The appropriation by the House under that head for the fiscal year

ending June 30, 1880 is \$23,000; that for the previous year was \$18,500, a great reduction from the estimate. We, of course, reduced the scale and efficiency of our expenditures for the National Museum during the present year to meet the will of Congress, but we have been subjected to a number of extraordinary and unavoidable expenses that will, I fear, seriously embarrass us unless we obtain the relief asked for. The unusual storms of the past summer caused damage which required immediate repairs, as did also the cold weather of the winter, in bursting water pipes in the building and water mains outside. The inclemency of the weather also made additional radiators necessary to the comfort of the officers and of visitors. A greatly increased consumption of coal also involved additional expense.

These and other unanticipated expenses will, I trust, be a sufficient justification for the application for the deficiency item in question.

Very respectfully,

SPENCER F. BAIRD,  
*Secretary Smithsonian Institution.*

#### NATIONAL MUSEUM—APPROPRIATIONS.

*June 13, 1878—House.*

The sundry civil bill being under consideration, the clerk read as follows:

Distribution of duplicates: For expenses of making up into sets, for distribution to colleges and museums, the duplicate ores, minerals, and objects of natural history belonging to the United States, \$5,000.

Mr. MARK H. DUNNELL offered the following amendment: Strike out the word "colleges" and insert "institutions of learning."

Mr. ABRAM S. HEWITT. We accept that.

Amendment adopted.

*June 20, 1878.*

Sundry civil act for 1879.

For the purchase of relics of George Washington from the Lewis family, of Clarke County, Virginia, the purchase to be made by the Secretary of the Treasury at a price not exceeding \$12,000, or so much thereof as may be necessary.

(Stat., XX, 218.)

For preservation and care of the collections of the National Museum, including those from the International Exhibition of 1876, \$18,000.

For expenses of making up into sets, for distribution to institutions of learning and museums, the duplicate ores, minerals, and objects of natural history belonging to the United States, \$5,000.

Armory building: For expense of watching and storage of articles belonging to the United States, including those transferred from the International Exhibition of 1876, \$2,500.

(Stat., XX, 233.)

*March 3, 1879.*

Sundry civil act for 1880.

For preservation and care of the collections of the National Museum, including those from the International Exhibition of 1876, \$23,000.

For expenses of making up into sets, for distribution to colleges and museums, the duplicate ores, minerals, and objects of natural history belonging to the United States, \$5,000.

Armory building: For expense of watching and storage of articles belonging to the United States, including those transferred from the International Exhibition of 1876, \$2,500.

(Stat., XX, 397.)

*March 3, 1879.*

Deficiency act for 1879, etc.

Smithsonian Institution: For the preservation of the specimens of the United States surveying and exploring expeditions, 1879, \$4,000.

(Stat., XX, 417.)

APPOINTMENT OF REGENTS.

*By the Vice-President.*

*November 1, 1877—Senate.*

The Vice-President (Mr. WILLIAM A. WHEELER) appointed Robert E. Withers, of Virginia, a Regent in place of John White Stevenson, of Kentucky, whose term had expired.

APPOINTMENT OF REGENTS.

*By the Speaker.*

*January 14, 1878—House.*

The Speaker (Mr. SAMUEL J. RANDALL) appointed as Regents of the Smithsonian Institution Hiester Clymer, of Pennsylvania, Alexander H. Stephens, of Georgia, and James A. Garfield, of Ohio.

APPOINTMENT OF REGENTS.

*By Joint Resolution.*

*January 16, 1878—Senate.*

Mr. HANNIBAL HAMLIN introduced a joint resolution (S. 15):

That the existing vacancy in the Board of Regents of the Smithsonian Institution of the class other than members of Congress shall be filled by the appointment of Noah Porter in place of James D. Dana, resigned.

Laid on the table.

*January 17, 1878—Senate.*

Mr. H. HAMLIN called up the joint resolution (S. 15) to fill vacancy in the Board of Regents.

Mr. HAMLIN. Mr. President, it will be recollected by Senators that the Regents of the Institution are appointed in three ways—a certain number being appointed by the Speaker of the House, a certain number by yourself, and a certain number at large who are appointed by

joint resolution. There is a vacancy in the board occasioned by the resignation of Professor Dana, of Yale College.

Mr. G. F. EDMUNDS. By "joint resolution" means "by law?"

Mr. HAMLIN. By law; by joint resolution having the force of law. The gentleman whose name is in the resolution is the president of Yale College, the same college of which the late member who has just resigned was a professor. I will say that on consultation with the Regents of the Institution we have all unanimously believed that the gentleman whose name is in the resolution is one most eminently fitted for the position.

Passed.

*January 22, 1878—House.*

On motion of Mr. JAMES A. GARFIELD, Senate Resolution 15, to fill vacancy in the Board of Regents, was passed.

*January 26, 1878.*

*Resolved, etc.,* That the existing vacancy in the Board of Regents of the Smithsonian Institution of the class other than members of Congress shall be filled by the appointment of Noah Porter, of Connecticut, in place of James D. Dana, resigned.

(Stat., XX, 247.)

*March 11, 1878—Senate.*

Mr. HANNIBAL HAMLIN introduced joint resolution—

That the existing vacancy in the Board of Regents of the Smithsonian Institution, of the class other than members of Congress, shall be filled by the appointment of William T. Sherman, of the city of Washington, in place of George Bancroft, of said city, resigned.

Passed.

*March 19, 1878—House.*

Mr. JAMES A. GARFIELD called up Senate joint resolution filling a vacancy in the Board of Regents by the appointment of William T. Sherman in place of George Bancroft, resigned.

Passed.

*March 25, 1878.*

*Resolved, etc.,* That the existing vacancy in the Board of Regents of the Smithsonian Institution, of the class other than members of Congress, shall be filled by the appointment of William T. Sherman, of the city of Washington, in place of George Bancroft, of said city, resigned.

(Stat., XX, 249.)

#### FIRE PROTECTION FOR PUBLIC BUILDINGS.

*December 6, 1877—House.*

Mr. BENJAMIN F. BUTLER introduced a bill (H. 1906) to aid in the protection of the public records and property against loss and damage by fire:

That in all buildings containing public property or public records of the Government of the United States the head of the department having control of such build-

ing is hereby authorized to put up and use an automatic signal telegraph of such improved kind and description, adopted and now in public use, as is fitted and adapted to transmit signals of fire by means of unusual degree of heat.

SEC. 2. A commission composed of the Commissioner of Patents, the Supervising Architect of the Treasury Department, and the Secretary of the Smithsonian Institution, are hereby constituted and authorized to examine such automatic signal telegraph systems as may be submitted to them by the owners and agents thereof, and select such a one as is best adapted for the purpose of the earliest transmission by signal of the occurrence of fire, and to certify to the heads of the several departments of the Government such system of signals as may be approved by them.

SEC. 3. And the head of each executive department is hereby authorized to make a requisition on the Treasury for such sums as may be necessarily expended in putting up and using in such public buildings as he may deem necessary under his department such system of telegraphic signal so adopted, to be paid, on proper vouchers to be furnished therefor, out of any money in the Treasury not otherwise appropriated.

Referred to Committee on Public Buildings and Grounds.

*December 10, 1877—House.*

The President of the United States, Mr. R. B. Hayes, sent a message to Congress transmitting the report of the commission appointed by him on the 27th of September, 1877 [Lieut. Col. Thos. L. Casey, U. S. A., James G. Hill, Supervising Architect, United States Treasury, and Edward Clark, Architect of the Capitol], to examine the several public buildings in this city (including the Smithsonian Institution), and determine the nature and extent of their security against conflagrations and the measures to be taken to guard the buildings and their contents from destruction or damage by fire.

The President said:

The records of the Government constitute a most valuable collection for the country, whether we consider their pecuniary value or their historical importance, and it becomes my duty to call your attention to the means suggested for securing these valuable archives, as well as the buildings in which they are stored. The commissioners have performed their duties intelligently and faithfully. Their recommendations are fully concurred in by me, and commended to the favorable consideration of Congress.

Referred to Committee on Public Buildings and Grounds

The following were the recommendations of the commission:

#### SPECIFIC RECOMMENDATIONS.

*Smithsonian Institution.*—All the combustible materials used in the construction of the museum portion of the building should be removed, and the parts renewed of fireproof construction, and the openings connecting with other parts of the building should be supplied with fireproof doors.

In addition to the special recommendations contained under section 1, the following general recommendations that may be applicable to all the public buildings are offered:

First. That ample apparatus for extinguishing fires, such as water mains, pumps, hose, ladders, axes, water buckets constantly filled with water, be supplied upon each floor; that a thorough system of police and guard by day and night be established

in each building; that all woodwork touching flues be removed, and that guards be used around all pipes, whether for smoke or for steam, wherever they pass through woodwork.

Second. The removal of all combustible shelving and the use in their stead of metal shelving, the files arranged upon them to be protected by metal doors or metal files cases.

Third. The use in all rooms for storage purposes and in those which have not to be visited frequently of some electrical communicator, to be placed so that unusual degrees of heat may be signaled to the watchmen; thus making known the fact of the presence of fire, should any occur in these apartments.

Fourth. The use of electrical recording signals to be turned in by the watchmen at fixed intervals of time through the night and day from given stations in the building.

Fifth. The establishment of regulations in the several departments limiting the number of files to be stored in any apartment.

Sixth. That the large apartments and spaces devoted to files in the fireproof structures be divided into moderately sized compartments, so as to lessen the degrees of heat that would be generated by the combustion of the materials, and the consequent injury to the building and difficulty of subduing the conflagration.

Seventh. That where practicable all power steam boilers be removed from the basements of the buildings to structures exterior to the main building.

In conclusion, this commission wish it to be understood that the buildings herein described as wholly or in part fireproof are those built of thick masonry walls, with stone or iron stairways, having the stories separated by groined arches of brick, or by arches of the same material resting on iron beams, in which wood is used only for sash and doors, and in some cases for floors laid on the brick arches.

It is not claimed that these are absolutely fireproof, nor do they know of any attainable construction which will resist without injury high degrees of heat, such as might be generated by overcrowding large rooms with combustible materials. They are, however, of the opinion that with the measures of caution herein suggested the public records and buildings will be well protected from loss or damage by fire.

*December 10, 1877—House.*

The Secretary of the Interior (Mr. CARL SCHURZ) submitted to Congress the following estimate, in accordance with the report of the committee to examine the public buildings in regard to their security against fire, appointed September 27, 1877:

\* \* \* To provide additional security against fire in the Smithsonian building for the Government collections, \$3,000. \* \* \*

*March 27, 1878.*

*Letter from the Secretary of the Smithsonian Institution, Joseph Henry, to Hon. A. A. Sargent, United States Senate.*

I have the honor to inform you that shortly after the fire at the Patent Office the Smithsonian building was visited by the Government Committee of Inspection, and suggestions made by them as to the fireproofing of the portion of the edifice devoted to the collections of the National Museum. These suggestions were at once acted upon, at an expense of \$2,803.29, as per detailed memorandum herewith, and I write to beg that you will kindly consider the propriety of having

an item introduced into the deficiency bill whereby the Smithsonian fund may be reimbursed for this outlay.

*Expenditures incurred by the Smithsonian Institution for the protection of the United States Government collections, 1877-78.*

Brick and laying .....	\$635. 60
Hose .....	325. 75
Cement, lime, sand.....	83, 74
Hardware, lumber, and labor.....	298. 25
Plumbing.....	452. 95
Fireproof iron doors, 530 square feet, at \$1.90 .....	1, 007. 00
	<hr/>
	2, 803. 29

*June 5, 1878—Senate.*

Mr. H. L. DAWES, from the Committee on Public Buildings and Grounds, reported a bill (S. 1367) to aid in the protection of the public buildings and property against loss and damage by fire:

*Be it enacted, etc.,* That a commission, composed of the Commissioner of Patents, the Supervising Architect of the Treasury Department, and the Secretary of the Smithsonian Institution, is hereby constituted and authorized to examine such automatic signal-telegraph systems as may be submitted to them by the owners and agents thereof, and to ascertain which of the same is best adapted for the purpose of the earliest and most certain transmission by signal of the occurrence of fire; and also the adaptability, usefulness, and need of the same for the further protection of the buildings and property of the Government in the several Departments in Washington, and to report the results of their examination to the next session of Congress.

Placed on the Calendar.

*June 11, 1878—Senate.*

Mr. AMBROSE E. BURNSIDE proposed to take up S. 1367, for the purpose of testing the fire signals in the different Departments.

\* \* \* “It authorizes the Supervising Architect of the Treasury and the Superintendent of the Smithsonian Institution as a commission to experiment on these fire signals. It is a thing in which we are all concerned, for it is a matter that relates to the public buildings and the public property. I am sure there will be no objection to the measure. Not a penny of money will be expended by it. I think it will be right for the Senate to take it up and pass it, in order that the commission may sit during the recess of Congress.”

The motion was not entertained.

*June 13, 1878—Senate.*

Passed.

*June 19, 1878—House.*

Mr. E. J. ELLIS. I ask unanimous consent to have taken up and passed a bill of great public interest (S. 1367), to aid in the protection of public buildings and other property against loss and damage by fire. This bill has been unanimously passed by the Senate, and reported unanimously from the appropriate committee of this House.

It does not propose to expend one dollar; it simply provides the ways and means for protecting public buildings and other property of the United States from fire. Within the past six months the Patent Office in this city was greatly injured by fire——

(Cries of "Object!")

The Speaker pro tempore (Mr. W. M. SPRINGER). Gentlemen will resume their seats.

Mr. JOHN R. EDEN. I want to stay on my feet to prevent legislation going through in this way.

The SPEAKER pro tempore. The gentlemen from Louisiana asks that the bill——

Several members objected.

Later the objection was withdrawn and the bill passed.

*December 2, 1878—House.*

Estimate presented by Department of the Interior: For providing additional security against fire in the Smithsonian building for the Government collections, in accordance with report of the commissions appointed to examine the public buildings, December 10, 1877, \$3,000.

*December 13, 1878.*

Act to aid in the protection of public buildings, etc.

*Be it enacted, etc.,* That a commission, composed of the Commissioner of Patents, the Supervising Architect of the Treasury Department, and the Secretary of the Smithsonian Institution, is hereby constituted and authorized to examine such automatic signal telegraph systems as may be submitted to them by the owners and agents thereof, and to ascertain which of the same is best adapted for the purpose of the earliest and most certain transmission by signal of the occurrence of fire, and also the adaptability, usefulness, and need of the same for the further protection of the buildings and property of the Government in the several Departments in Washington, and to report the results of their examination to the next session of Congress.

(Stat., XX, 257.)

*March 3, 1879.*

Sundry civil act for 1880.

For providing additional security against fire in the Smithsonian building for the Government collections, in accordance with report of the commission appointed to examine the public buildings, December 10, 1877, \$3,000.

(Stat., XX, 397.)

ORDER OF ST. OLAF FOR PROF. S. F. BAIRD.

*December 10, 1877—House.*

Mr. SAMUEL A. BRIDGES introduced a bill (H. 1989) to authorize Spencer F. Baird, assistant secretary of the Smithsonian Institution, to receive a diploma and medal constituting him a member of the Norwegian Order of St. Olaf.

Referred to Committee on Foreign Affairs.

*January 22, 1878—House.*

Passed.

*June 19, 1878—Senate.*

Passed.

*June 20, 1878.*

*Be it enacted, etc.,* That Spencer F. Baird, Assistant Secretary of the Smithsonian Institution, be, and he hereby is, authorized and empowered to receive a diploma and medal, constituting him a member of the Norwegian Order of St. Olaf, tendered him by the King of Sweden as a testimonial of distinguished scientific service.

(Stat., XX, 584).

#### WOODRUFF SCIENTIFIC EXPEDITION.

*December 12, 1877—Senate.*

Mr. J. E. McDONALD introduced a bill (S. 447) to aid the Woodruff Scientific Expedition.

Referred to Committee on Commerce.

Among the recommendations of this expedition was the following:

*Letter of June 5, 1877, from Secretary of the Smithsonian Institution, Joseph Henry, approving of Woodruff scientific expedition.*

J. O. WOODRUFF, *Indianapolis, Ind.*

DEAR SIR: We have examined your circular proposing a voyage around the world for educational and scientific purposes, and are free to say that we heartily approve of the enterprise.

With a corps of students directed by the teachers you have selected, and visiting regions hitherto but little, if at all, explored, you can scarcely fail to collect materials which will give the expedition reputation in the history of science.

With our best wishes for the entire success of the expedition, etc.

*January 14, 1878—House.*

Mr. H. F. PAGE introduced H. 2409, similar bill to S. 447.

*January 29, 1878—House.*

H. 2409 passed.

*March 19, 1878—Senate.*

H. 2409 passed.

*March 23, 1878.*

An Act approved, to grant for the purposes of the "Woodruff Scientific Expedition around the World," a register for a foreign built steamship \* \* \* to be approved by the Secretary of the Navy \* \* \* a school to be maintained thereon with a capacity for at least 200 students, together with a competent faculty for the promotion of scientific and nautical knowledge. \* \* \* In no case shall mercantile or commercial ventures form any part of said expedition, or the Government of the United States be subjected to any expense on account thereof.

(Stat., XX, 31.)

## PLATES OF FRACTIONAL CURRENCY.

*December 13, 1877—Senate.*

Mr. A. S. PADDOCK introduced a resolution (S. 10):

That the Secretary of the Treasury be, and hereby is, authorized and directed to withhold from destruction and deliver to the Secretary of the Smithsonian Institution, in Washington, District of Columbia, to be held by that Institution as objects of interest, the following-described canceled plates heretofore used in the printing of United States fractional currency:

One fifty-cent faceplate, fifth issue, series 1875.

One fifty-cent backplate, fifth issue, series 1875.

One twenty-five-cent faceplate, fifth issue, series 1874.

One twenty-five-cent backplate, fifth issue, series 1874.

One ten-cent faceplate, fifth issue, series 1874.

One ten-cent backplate, fifth issue, series 1874.

Referred to Committee on Finance.

Mr. PADDOCK. I will state that I have recently served on a committee appointed by the Secretary of the Treasury, upon which both Houses of Congress were represented, to witness the counting of these plates and to examine the cancellation thereof. They are the plates upon which all the fractional currency was printed. They are very elegant specimens of workmanship, and they are all to be destroyed in pursuance of law very shortly. It occurred to the committee that it might be well to preserve one of each series and have them lodged in the Smithsonian Institute as objects of interest hereafter.

The Vice-President (Mr. W. A. WHEELER). The joint resolution will be referred to the Committee on Finance.

Mr PADDOCK. I ask for the present consideration of the joint resolution.

Mr. H. G. DAVIS, of West Virginia. I think the Senator had better let it be printed and referred. It is a matter of some importance to know just what should be done with the plates that have gone out of use in the Treasury Department.

The VICE-PRESIDENT. The joint resolution will be printed under the rule. It goes over under objection.

Mr. PADDOCK. It is provided by law that those plates shall be destroyed, and they are all ready now for destruction. They are to go to the navy-yard and be there melted in the furnace, and, as the work is very shortly to be completed, it seems to me it is a matter of interest which should be considered at once.

Mr. H. L. DAWES. If this were only a question of interest, as suggested by the Senator from Nebraska, there would be no trouble about it; but the question of safety is so considerable that it does not seem to me that it is quite safe to pass the joint resolution without consideration.

The VICE-PRESIDENT. Under objection the joint resolution has already gone over.

*May 28, 1878—Senate.*

Reported adversely by Mr. J. S. Morrill, for Committee on Finance, and postponed indefinitely.

#### DOCUMENTS.

*December 15, 1877.*

Congress in providing for printing and distributing the "Biennial Register," ordered four copies of each issue to be delivered to the Smithsonian Institution.

(Stat. XX., 13.)

*May 22, 1878.*

A joint resolution (No. 23) approved to distribute the new edition of the Revised Statutes of the United States, provided that two copies be furnished the Smithsonian Institution.

(Rev. Stat., Supp., vol. 1, 2nd ed., 387.)

*June 7, 1878—House.*

The sundry civil bill as reported, included provisions relative to the public printing, among the items being—

"That of reports of committees of a private nature on pensions, claims, reliefs, and desertions, one copy should be sent to the Smithsonian Institution, also other documents not specifically provided for in the bill, one copy to the Smithsonian;

"Of 'regular documents,' 35 sets for exchanges with foreign governments, and one set to the Smithsonian;

"Of the daily edition of the Congressional Record, one copy to the Smithsonian;

"Of the bound edition of the Congressional Record, one set to the Smithsonian;

"Of the pamphlet laws of each session, one copy to the Smithsonian;

"Of the Statutes at Large, bound in sheep, one copy to the Smithsonian;

"Of the reports of the Supreme Court of the United States, one copy to the Smithsonian."

[While the bill was considered in the House June 13, 1878, all the sections in regard to public printing were ruled out by the Chair as not belonging to an appropriation bill.]

#### GEOLOGICAL AND GEOGRAPHICAL SURVEY REPORTS.

*June 17, 1878—House.*

A concurrent resolution was adopted to print of volumes 4 and 12 of the final reports of the Geological and Geographical Survey of the Territories, in quarto form, with the necessary illustrations, 3,000 copies of each volume; 1,500 for the House, 500 for the Senate, 500 for the Survey, 500 for the Smithsonian Institution.

*June 18, 1878—Senate.*

Adopted.

*December 4, 1878—Senate.*

Mr. DAVID DAVIS, of Illinois, offered concurrent resolution to print 3,000 copies of the Report of the Geographical and Geological Survey of the Rocky Mountain Region, relating to the geology of the Black Hills, in quarto, with the necessary illustrations and charts; 1,500 copies for the House, 500 copies the Senate, 500 copies for the Survey, 500 copies for the Smithsonian Institution.

Also to print 3,000 copies of the Report of the Geographical and Geological Survey of the Rocky Mountain Region, relating to the geology of the high plateaus of Utah, in quarto, with necessary illustrations and charts; 1,500 for the House, 500 for the Senate, 500 for the Survey, 500 for the Smithsonian Institution.

Referred to Committee on Printing.

*December 4, 1878—House.*

Mr. JOHN R. EDEN submitted concurrent resolution. (Same resolution as offered by Mr. Davis in Senate, December 4, 1878.)

*December 18, 1878—House.*

Passed for Plateaus of Utah, 500 copies for Smithsonian Institution.

*December 20, 1878—Senate.*

Passed with amendments to give 375 copies to the Smithsonian Institution.

*January 25, 1879—House.*

Passed as amended.

#### EXPOSITIONAL.

#### *Paris Exposition, 1878.*

*December 15, 1877.*

*Joint resolution.*—Whereas, the United States have been invited by the Republic of France to take part in a universal exposition of the productions of agriculture, manufactures, and the fine arts, to be held in Paris in 1878: Therefore,

*Resolved, etc.,* That said invitation is accepted, and that the governors of the several States and Territories be, and are hereby, requested to invite the people of their respective States and Territories to assist in the proper representation of the productions of our industry, and of the natural resources of the country, and to take such further measures as may be necessary in order to secure to their respective States and Territories the advantages to be derived from this beneficent undertaking.

SEC. 2. That the President, by and with the advice and consent of the Senate, shall appoint a commissioner-general to represent the United States in the proposed exposition, and, under the general direction of the Secretary of State, to make all needful rules and regulations in reference to the contributions from this country, and to control the expenditures incident to the proper installation and exhibi-

bition thereof, and to the preparation of the reports on the exposition; and that the President may also appoint twenty additional commissioners, no two of whom shall be appointed from any one State, of whom three shall be practical artisan experts, three shall be skilled representatives of commerce and manufactures, and four shall be practical agriculturalists, nine shall be scientific experts, corresponding to and specifically assigned to report upon the nine groups into which the exposition will, under the official regulations, be divided, and one who shall be assistant commissioner-general and shall perform the duties of commissioner-general in case of his death or disability, and shall report upon the exhibition at large and the general results thereof; that the allowance to said commissioner-general for salary and personal expenses shall not exceed \$5,000 for his whole term of office; and the allowance of the twenty additional commissioners for salary and personal expenses shall not exceed \$1,200 each, not including such clerical service as may be allowed by the commissioner-general, which shall not exceed \$15,000; and the governors of the several States may nominate and the President appoint two honorary commissioners from each of the several States, and the President may appoint twenty-four additional honorary commissioners, among whom there shall be at least one resident of each of the Territories of the United States, which said honorary commissioners may report upon such special subjects as the commissioner-general may direct, and shall serve without pay or other expense to the United States: *And provided further*, That in case the authorities of any State or Territory shall appoint a commissioner or commissioners to represent the interests of such State or Territory at said exhibition, said commissioner or commissioners so appointed shall have the same status in the commission as the honorary commissioners provided for herein, but shall not be entitled to either pay or compensation out of the money hereby appropriated: *Provided always*, That no person appointed by virtue of this resolution shall have any pecuniary interest, directly or indirectly, in any article exhibited for competition or act as the agent for any exhibitor. And not more than one of the commissioners entitled to compensation nor more than five of the honorary commissioners shall be appointed from any one State or Territory.

SEC. 3. That the President be authorized, in his discretion, to assign one or more of the public vessels to transport to and from France, free of cost, under regulations to be prescribed by the commissioner-general, such articles as may be offered for exhibition by the citizens of the United States.

SEC. 4. That in order to defray the necessary expenses above authorized, and for the proper installation of the exhibition, and the expenditures of the commissioner-general made under the direction of the Secretary of State, and with his approval, and not otherwise,

there be, and hereby is, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$150,000, or so much thereof as may be necessary for the purposes herein specified; which sum shall be expended under the direction of the Secretary of State; and out of such amount the Commissioner of Agriculture is hereby authorized to collect and prepare, as far as practicable and with as little delay as possible, suitable specimens of the agricultural productions of the several States and Territories of the Union for exhibition at the Paris Exposition.

SEC. 5. That it shall be the duty of the Secretary of State to transmit to Congress a detailed statement of the expenditures which may have been incurred under the provisions of this resolution, together with all reports called for under section two of this resolution, which reports shall be prepared and arranged with a view to concise statement and convenient reference.

(Stat., XX, 245.)

*June 20, 1878.*

Sundry civil act for 1879.

To enable the Secretary of State to defray additional expenses necessarily incurred by the Commissioner-General of the United States to the International Industrial Exposition in Paris in erecting a special building for exhibits of agricultural machinery and products, in erecting a façade, or frontage, to the space allotted to the United States in the main building, in making necessary alterations and repairs, and for transportation, \$40,000, to be available immediately.

(Stat., XX, 218.)

*February 27, 1879—Senate.*

Mr. H. B. ANTHONY submitted concurrent resolution to print reports of the commissioners of the United States to the Paris Exposition of 1878.

Referred to Committee on Printing.

*February 28, 1879—Senate.*

Passed.

*March 3, 1879—House.*

Passed.

### *Philadelphia Centennial Exposition.*

*March 3, 1879—House.*

The President (RUTHERFORD B. HAYES) sent a message to Congress, transmitting the final report of the United States Centennial Commission, and remarked:

I have received from the United States Centennial Commission their final report, presenting a full exhibit of the results of the United States Centennial Celebration and Exhibition of 1876, as required by the act of June 1, 1872.

In transmitting this report for the consideration of Congress, I express, I believe, the general judgment of the country, as well as my own, in assigning to this exhibi-

tion a measure of success gratifying to the pride and patriotism of our people and full of promise to the great industrial and commercial interests of the nation. The very ample and generous contributions which the foreign nations made to the splendor and usefulness of the exhibition and the cordiality with which their representatives took part in our national commemoration deserve our profound acknowledgments. At this close of the great services rendered by the United States Centennial Commission and the Centennial Board of Finance it gives me great pleasure to commend to your attention and that of the people of the whole country the laborious, faithful, and prosperous performances of their duties which have marked the administration of their respective trusts.

HOWGATE ARCTIC EXPEDITION.

*January 22, 1878—House.*

Mr. B. A. WILLIS, from Committee on Naval Affairs, reported (No. 96) on H. 447, to authorize and equip an expedition to the arctic seas.

[Extracts.]

This plan is known as "polar colonization," and has received hearty indorsement from such distinguished experts, scientists, students, and explorers as Prof. Joseph Henry, president of the National Academy of Sciences; Professor Loomis, of Yale College; President Potter, of Union College; Admiral Porter; Rear-Admiral Davis, Superintendent of the National Observatory; Hon. Charles P. Daly, president of the American Geographical Society; Dr. Isaac I. Hayes, the explorer, and others, while it is heartily approved also by the honorable Secretary of the Navy; and your committee are inclined to commend it to the favor of Congress, more especially if its execution be intrusted, as the bill provides, to the President, under the direction of the National Academy of Sciences.

SMITHSONIAN INSTITUTION,

*Washington, January 31, 1877.*

SIR: Your letter of the 30th instant, asking my opinion as to the plan of Captain Howgate for explorations in the arctic regions, and its utility in regard to scientific and commercial results, has been received, and I have the honor to give you the following reply:

From my connection with the Smithsonian Institution and the National Academy of Sciences, I am, of course, interested in every proposition which has for its object the extension of scientific knowledge, and therefore I am predisposed to advocate any national plan for exploration and continued observations within the arctic circle.

Much labor has been expended on this subject, especially with a view to reach the pole; yet many problems connected with physical geography and science in general remain unsolved.

(1) With regard to a better determination of the figure of the earth, pendulum experiments are required in the region in question.

(2) The magnetism of the earth requires for its better elucidation a larger number and more continued observations than have yet been made.

(3) To complete our knowledge of the tides of the ocean, a series of observations should be made at least for an entire year.

(4) For completing our knowledge of the winds of the globe, the results of a larger series of observations than those we now possess are necessary, and also additional observations on temperature.

(5) The whole field of natural history could be enriched by collections in the line of botany, mineralogy, geology, etc., and facts of interest obtained with regard to the influence of extreme cold on animal and vegetable life.

All of the above-mentioned branches of science are indirectly connected with the

well-being of man and tend not only to enlarge his sphere of mental pleasures but to promote the application of science to the arts of life.

As to the special plan of Captain Howgate—that of establishing a colony of explorers and observers to be continued for several years—I think favorably.

The observations which have previously been made in the arctic regions have usually been of a fragmentary character and not sufficient in any one case to establish the changes of the observed phenomena during an entire year, whereas to obtain even an approximation to the general law of changes a number of years are required.

It may be proper to state, in behalf of the National Academy of Sciences, that should Congress make the necessary appropriation for this enterprise the Academy will cheerfully give a series of directions as to the details of the investigations to be made and the best methods to be employed.

I have the honor to be, very respectfully, your obedient servant,

JOSEPH HENRY,  
*Secretary Smithsonian Institution,  
President National Academy of Sciences.*

HON. BENJ. A. WILLIS,  
*House of Representatives.*

Recommitted.

*February 28, 1878—House.*

Report No. 96 referred to Committee of the Whole.

*June 18, 1878—House.*

Rejected. Yeas 86, nays 127.

#### VENTILATION OF HALL OF HOUSE OF REPRESENTATIVES.

*February 4, 1878—House.*

Mr. CASEY YOUNG, from the Select Committee on Ventilation of the Hall of the House of Representatives, submitted a report (No. 191):

[Extract.]

SMITHSONIAN INSTITUTION,  
*Washington, D. C., January 26, 1878.*

SIR: I have the honor, in behalf of the advisory commission on the heating and ventilation of the Hall of the House of Representatives appointed by your honorable committee, to transmit to you herewith the final report of the commission, accompanied by sundry papers received from your committee, and also a report on the heating and ventilation of the British Houses of Parliament, and a report on the original plan of heating and ventilating the Capitol. The report of the commission herewith transmitted has involved much original investigation and the examination of the most reliable authorities on the subject. The members of the commission have inspected the buildings in this country most celebrated for effective ventilation, and have availed themselves of a visit to Europe, on other business, made by Dr. Billings, one of the members of the commission, to obtain the latest information on the same subject from that country.

It is hoped, therefore, that this report, with its appendices, will be deemed of sufficient importance to warrant its publication in full, with proper illustrations, for the use of the public. The subject is one of great difficulty, and in regard to which much general misconception prevails, as well as a want of a knowledge of the established principles upon which the art of heating and ventilation depends.

I have the honor to be, very respectfully, your obedient servant,

JOSEPH HENRY, *Chairman.*

HON. CASEY YOUNG,  
*Chairman Committee on Ventilation of the House of Representatives.*

most patient and careful investigation, aided by all the information attainable from any source within their reach, as well as by the assistance and advice of the most experienced and competent scientists with whom they have been able to confer.

The defects in the structure of the Hall of Representatives in respect to heat, light, ventilation, and acoustics have been the subject of grave and serious complaint ever since its completion, and the difficulties in overcoming them have never yet been solved in a manner entirely satisfactory to those who have undertaken it with anything of a correct apprehension of the character and magnitude of the task. Many efforts have been made in the past fifteen years to accomplish this result, and at a considerable cost; and while those who have conducted some of them were of the opinion that no improvements in the particulars mentioned were either necessary or practical, and while others of them believed that they had succeeded in effecting all that was desired, your committee have concluded that both classes were mistaken and that the most radical changes and improvements are urgently demanded for the comfort and health of Members, and that but few, if any, have been made since the original completion of the Hall until within a very recent period.

The committee do not believe that the Hall with its present architectural structure can ever be ventilated so as to be entirely healthy or free from many objections and inconveniences, but they are of opinion that it may be so greatly improved that the health of those who occupy it will not be subjected to any serious danger. The same, too, is true, but in a less degree, as to light and its acoustic capacity, though they think that these latter may be so remedied that little inconvenience will result from them in the future.

The committee referred to a report May 4, 1876 (No. 380), of a subcommittee from the Committee on Public Buildings and Grounds during the second session of the Forty-fourth Congress.

In this report it is stated that after having carefully examined a great number of plans and propositions submitted to them upon the subject they referred "the entire matter to a board composed of scientific Government officers, viz: Prof. Joseph Henry, of the Smithsonian Institution; Lieut. Col. Thomas L. Casey, of the Army Engineer Corps; Prof. J. S. Billings, of the Medical Department, U. S. A.; Mr. F. Schumann, Assistant Supervising Architect of the Treasury Department, and Mr. Edward Clark, Architect of the Capitol, to advise the subcommittee of the most practical and economical method of attaining the object in view."

This board, of which Prof. Joseph Henry was president, made reports April 30, 1876, and January 26, 1878.<sup>1</sup>

Mr. Young further reported that the recommendations made by the board were only partially carried out and that his committee after the death of Professor Henry, in May, 1878, had appointed Prof. Spencer F. Baird, his successor as Secretary of the Smithsonian Institution, to succeed him as chairman of the board.

On motion of Mr. Young resolutions were adopted "that Abram S. Hewitt; Prof. Spencer F. Baird, of the Smithsonian Institution; Lieut. Col. Thomas L. Casey, U. S. A.; Mr. Edward Clark, Architect of the Capitol; Mr. F. Schumann, civil engineer, Treasury Department; and

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<sup>1</sup> See Congressional Record, February 28, 1879, p. 30.

We trust that you will have this item placed in one of the appropriation bills now under consideration by the committee.

I have the honor to be, your obed't serv't,

SPENCER F. BAIRD,  
*Secretary.*

Hon. J. D. C. ATKINS,  
*House of Representatives.*

*June 14, 1878.*

Deficiency act for 1878, etc.

To repay to the Smithsonian Institution expenses incurred in the transportation of public documents under the joint resolution approved July 25, 1868, \$1,781.

(Stat., XX, 124.)

*June 19, 1878.*

Legislative, executive, and judicial act for 1879.

Library of Congress: For expenses of exchanging public documents for the publications of foreign governments, \$1,000.

(Stat., XX, 182.)

#### THE SMITHSONIAN INSTITUTION A CORPORATION?

*May 6, 1878—House.*

In considering a bill (H. 3259) providing for a permanent form of government for the District of Columbia,

Mr. JOSEPH C. S. BLACKBURN remarked that he was astonished that the gentleman from Ohio [Mr. J. A. Garfield] should have raised the question of the constitutional power of Congress [to elect a Commissioner for the District]. He referred to section 6, of article 1, of the Constitution of the United States and continued: Now, the gentleman from Ohio [Mr. Garfield], I apprehend, found no difficulty in receiving and accepting an appointment, which I believe he holds to-day, as one of the Regents of the Smithsonian Institution.

Mr. HORATIO C. BURCHARD argued that the Commissioners proposed for the District of Columbia were officers of the United States and said: The appointment of a commission by Congress—for instance, the silver commission—to ascertain certain facts, or the appointment of a person as a trustee, or as one of the persons named to represent the corporation of the Smithsonian Institution, does not present a parallel case. These [the Commissioners of the District] are persons who are required to perform duties that are executive duties. They have to execute the law, etc.

Mr. JAMES A. GARFIELD. In regard to the position of Regent of the Smithsonian Institution, \* \* \* that Institution is a private corporation and the House is invited, merely as a matter of courtesy, to

that private corporation, organized for a public purpose, by having men to serve as its trustees or Regents. But a Regent of the Smithsonian Institution does not become a United States officer.

J. PROCTOR KNOTT. [Mr. James A. Garfield] assumes that there is a marked difference between the corporation to be formed by this bill for the government of the District of Columbia and the Smithsonian Institution; but, sir, in principle there is not a particle. When Congress assumed the administration of the Smithsonian legacy it placed upon itself the execution of a public trust, which it seeks to perform through its Board of Regents precisely as it would discharge a public trust through these Commissioners should the bill now pending become a law. One is a corporation, so is the other. If, therefore, a Commissioner of the District of Columbia is an officer, as contemplated by the Constitution, so is a Regent of the Smithsonian Institution, and my friend, who is a distinguished and useful member of that Board, occupies the singular position of holding an office under the United States while a member of this House, which is expressly prohibited by the Constitution. But that is not all. Leaving the Smithsonian Institution entirely out of view, there was an act passed during the last Congress which will be memorable, etc. [The electoral commission.]

NATHANIEL P. BANKS. I desire to call the attention of the House of gentlemen to what has been said about the Smithsonian Institution. The officers of the Smithsonian Institution are not public officers, are not executive officers of the United States. A man by the name of Smithson left to this Government a fund of money for a specific use, and that fund is this day and hour administered according to his original ideas. The two Houses of Congress have assumed, under their instructions and directions, the power to provide arrangements for the execution of that trust. It is their work. It does not belong to the President. It does not belong to the executive department of the Government of the United States. It is a matter between Smithson and the two Houses of Congress representing the Government, and the men that are appointed to discharge the duties connected with the Smithsonian Institution are appointed under his will.

#### DEATH AND MEMORIAL SERVICES OF JOSEPH HENRY.

1878—House.

The Speaker (Mr. S. J. RANDALL) announces with great sorrow—a sorrow all will experience—the death of Professor Henry, an American whose scientific attainments are of world-wide fame, and who has devoted a lifetime to the interests of science, regardless of personal effort or emolument.

H. Doc. 732—51

*May 14, 1878—Senate.*

The President pro tempore (Mr. THOMAS W. FERRY) laid before the Senate the following announcement of the death of Prof. Joseph Henry:

SMITHSONIAN INSTITUTION,  
Washington, May 14, 1878.

SIR: I am requested by the Regents of the Smithsonian Institution to inform you, and through you the Senate of the United States, of the death of Prof. Joseph Henry, the Secretary and Director of the Institution, which occurred in this city on Monday, May 13, at 12.10 p. m. His funeral will take place at the New York Avenue Presbyterian Church on Thursday, May 16, at half past 4 o'clock in the afternoon, and the Senate is respectfully invited to attend.

I have the honor to be, very respectfully, your obedient servant,

M. R. WAITE,  
Chancellor of the Institution.

Hon. W. A. WHEELER,  
Vice-President of the United States.

Mr. A. A. SARGENT. I offer the following resolution and ask for its present consideration.

*Resolved, etc.,* That the President of the Senate and the Speaker of the House of Representatives adjourn their respective Houses at 4 o'clock on Thursday, the 16th instant, for the purpose of enabling Senators and Representatives to attend the funeral of the late Joseph Henry, Secretary of the Smithsonian Institution.

Agreed to unanimously.

*May 16, 1878.*

Funeral of Professor Henry attended by Senate and House of Representatives.

*December 9, 1878—House.*

Mr. HIESTER CLYMER offered concurrent resolution:

That the Congress of the United States will take part in the services to be observed on Thursday evening, January 16, 1879, in honor of the memory of Joseph Henry, late secretary of the Smithsonian Institution, under the auspices of the Regents thereof, and for that purpose the Senators and Representatives will assemble on that evening in the Hall of the House of Representatives, the Vice-President, supported by the Speaker of the House, to preside on that occasion.

Adopted.

*December 10, 1878—Senate.*

Passed.

*January 16, 1879—Senate.*

On motion of Mr. R. E. WITHERS, the following resolution was considered:

*Resolved,* That the Senate will now take a recess until 7.45 p. m., at which time they will meet in this Chamber and proceed to the Hall of the House of Representatives to participate in the ceremonies commemorative of the life and services of Professor Henry, late secretary of the Smithsonian Institution.

Agreed to.

The Vice-President (Mr. W. A. WHEELER). Senators now present

will proceed to the Hall of the House of Representatives to participate in the ceremonies commemorative of the life and services of Professor Henry, late secretary of the Smithsonian Institution.

*January 16, 1879—House.*

Mr. H. CLYMER. This evening, memorial services in commemoration of the late Prof. Joseph Henry are to take place in this hall, and I desire to offer a resolution in relation to that matter, and if it should be adopted by the House I shall follow it with a motion that the House take a recess until a quarter to 8 o'clock.

The resolution was read:

*Resolved, etc.,* That at the session to-night the Doorkeeper be directed to admit to the floor all persons, public bodies, and societies indicated by the Regents of the Smithsonian Institution, also the wives and daughters of members.

The Speaker (Mr. S. J. RANDALL). The Chair thinks that the space in the House will hardly suffice.

Mr. CLYMER. I would say in reply to the suggestion of the Chair that the Doorkeeper is of opinion that they might be accommodated upon one side of the hall, not in the seats of members, and the public bodies might be accommodated on the other side. I have confined the resolution expressly to the wives and daughters of members, because if I put in the wives and families the number would be indefinite.

Mr. JOHN M. THOMPSON. Is the meeting to-night a legislative meeting in any sense?

The SPEAKER. It is not; but the House and Senate have voted to participate in this ceremony.

Mr. THOMPSON. Is it to be in any sense an official meeting of the body?

The SPEAKER. The Clerk will read the order made upon the subject.

The Clerk read as follows:

*Resolved by the House of Representatives (the Senate concurring),* That the Congress of the United States will take part in the services to be observed on Thursday evening, January 16, 1879, in honor of the memory of Joseph Henry, late secretary of the Smithsonian Institution, under the auspices of the Regents thereof, and for that purpose the Senators and Representatives will assemble on that evening in the Hall of the House of Representatives, the Vice-President, supported by the Speaker of the House, to preside on that occasion.

Mr. HIRAM PRICE. But no legislative business to be transacted?

The SPEAKER. No legislative business can be done at any rate in joint session.

Mr. PRICE. But the presumption is that when the House takes a recess it meets again as a House for business.

The SPEAKER. That is usually a reasonable presumption.

Mr. CLYMER. The Senate has taken a recess, and I suggest that we should pursue the same course.

The resolution of Mr. Clymer was then adopted.

Mr. CLYMER. I move that the House now take a recess.

The motion was agreed to; and accordingly (at 5 o'clock p. m.) the House took a recess until 7 o'clock and 45 minutes p. m.

*January 16, 1879—Evening Session.*

At five minutes before 8 o'clock the Senate of the United States, preceded by the Sergeant-at-Arms and the Chaplain, and headed by the Vice-President of the United States, with the Secretary of the Senate, entered the Hall and were properly announced, and the Vice-President took his seat on the right of the Speaker, and the Senators took the seats assigned them.

At 8 o'clock the Chief Justice and the Associate Justices of the Supreme Court and the President of the United States and the members of the Cabinet entered the Hall, were properly announced, and were conducted to the seats assigned them.

The Speaker of the House of Representatives (Mr. S. J. RANDALL) then called the assembly to order, and, after announcing the occasion of the meeting, presented his official gavel to the Vice-President, who thereupon presided, supported by the Speaker.

The Vice-President (Mr. W. A. WHEELER). The Senators and Members of the Congress of the United States, in pursuance of the resolutions of their respective bodies, have assembled for the purpose of taking part in the services to be observed in memory of Joseph Henry, late secretary of the Smithsonian Institution, under the auspices of the Regents of that Institution.

The Vice-President then announced that the exercises would be commenced by prayer from Rev. Dr. McCosh, the president of the College of New Jersey, at Princeton.

The memorial services were then proceeded with, the Vice-President announcing each of the speakers by name, in accordance with the order of exercises arranged and adopted by the executive committee of the Board of Regents.

The Vice-President, after the concluding prayer by the Chaplain of the Senate (at 11 o'clock p. m.), announced that the exercises of the evening were closed; whereupon the President of the United States with his Cabinet, the Chief Justice and Associate Justices of the Supreme Court, and the Senate of the United States with the Vice-President, retired from the Hall.

The Speaker. The object of this evening's session, as provided for by the order of both Houses of Congress, having been fittingly realized, the duty remains to me to declare this House adjourned until to-morrow at 12 o'clock.

*NOTE.—Memorial exercises at the Capitol.*

Announcement by executive committee of the Regents.

Introductory prayer by Rev. Dr. James McCosh.

Hamlin's address (read by Vice-President Wheeler).

Address by Hon. Robert E. Withers.

Address by Prof. Asa Gray.

Reading of telegrams by Hon. Hiester Clymer.

Address by Prof. William B. Rogers.

Address by Hon. James A. Garfield.

Address by Hon. Samuel S. Cox.

Address by Gen. William T. Sherman.

Concluding prayer by Rev. Dr. Byron Sunderland.

By authority of the Speaker, reserved seats were provided on the floor of the House for the following bodies, with which Professor Henry had been associated:

The Regents of the Smithsonian Institution and the orators of the evening, who met in the room of the Speaker of the House.

The National Academy of Sciences.

The Washington Philosophical Society.

The Light-House Board, who met in the room of the Committee on Ways and Means.

The Alumni Association of Princeton College.

The trustees of the Corcoran Gallery of Art.

The Washington Monument Association, who met in the room of the Committee on Appropriations.

#### HENRY MEMORIAL VOLUME.

*January 22, 1879—House.*

Mr. ALEXANDER H. STEPHENS, of Georgia. I submit a resolution, upon which I ask immediate action.

*Resolved, etc.,* That the memorial exercises in honor of Professor Henry, held in the Hall of the House of Representatives on the 16th of January, 1879, be printed in the Congressional Record, and that 15,000 extra copies of the same be printed in a memorial volume, together with such articles as may be furnished by the Board of Regents of the Smithsonian Institution, 7,000 of which shall be for the use of the House of Representatives, 3,000 copies for the use of the Senate, and 5,000 copies for the use of the Smithsonian Institution.

Mr. STEPHENS, of Georgia. I ask the previous question upon the adoption of this resolution.

The SPEAKER, (Mr. S. J. RANDALL). The Chair suggests that the resolution does not designate the proper proportion of copies as between the Senate and the House. The House ought to have four times as many as the Senate.

Mr. HORATIO C. BURCHARD. Should not the resolution be referred to the Committee on Printing?

The SPEAKER. The Chair does not suppose that the expense contemplated in the resolution would reach \$500; but if it would, then under the law the resolution must go to the Committee on Printing.

Mr. STEPHENS, of Georgia. This is precisely similar to the resolution adopted in the case of the memorial exercises of Professor Morse.

The SPEAKER. Of course the printing in the Congressional Record is not taken into consideration in determining this question of expense. The Chair is not advised whether these 15,000 extra copies to be published in book form would cost \$500. If they would, then, under the requirement of the law, the resolution must be referred to the Committee on Printing. The Chair is advised it would cost over \$500, and therefore it had better go to the Committee on Printing under the law. That committee has a right to report at any time.

Mr. STEPHENS, of Georgia. Let it take that reference.

Referred to Committee on Printing.

*January 25, 1879—House.*

Committee reported favorably. House passed.

*January 28, 1879—Senate.*

Referred to Committee on Printing.

*February 6, 1879—Senate.*

Reported by Mr. H. B. Anthony, and passed.

(This memorial volume forms No. 356 of the series of Smithsonian publications, and also Vol. XXI of Smithsonian Miscellaneous Collections. 8vo. 532 pp. 1 portrait of Joseph Henry. 1880.)

*February 12, 1879—Senate.*

Mr. HANNIBAL HAMLIN submitted concurrent resolution "that the Secretary of the Treasury have printed the portrait of Prof. Joseph Henry, to accompany the memorial volume already ordered by Congress."

Referred to Committee on Printing.

*February 13, 1879—Senate.*

Passed.

*February 28, 1879—House.*

Passed.

(This resolution passed both Houses of Congress, but failed to receive approval of the President (Mr. R. B. Hayes), and was introduced again in the Senate April 7, 1879, by Mr. H. B. Anthony, and passed April 9. It passed the House April 11, and was approved by the President April 18, 1879.)

#### SERVICES OF JOSEPH HENRY TO THE GOVERNMENT.

*June 4, 1878—House.*

The Speaker (Mr. S. J. RANDALL) laid before the House a letter from the Secretary of the Treasury relative to the services of Professor Henry on the Light-House Board, and recommending compensation for said services.

Referred to Committee on Appropriations.

*June 5, 1878—Senate.*

The President pro tempore (Mr. THOMAS W. FERRY) laid before the Senate a communication from the Secretary of the Treasury (Ex. Doc.

94) recommending an appropriation of \$500 for each year that the late Professor Henry was employed as a member of the Light-House Board, for the benefit of his family.

Referred to Committee on Appropriations.

TREASURY DEPARTMENT,

*June 4, 1878.*

SIR: In view of the very great services rendered by Prof. Joseph Henry, lately deceased, as a member of the Light-House Board, the length of his services, and the value to the Government of the duties performed by him, and considering the just claims of his family for some compensation therefor, I respectfully recommend that there be appropriated the moderate sum of \$500 for each year of his employment as a member of the board.

Professor Henry served as a member of the Light-House Board without compensation from October 9, 1852, until the date of his death, May 13, 1878, being twenty-five years and eight months. During that period he was engaged in the practical business of the Government, in the highest branches of scientific inquiry, on an average, two months in each year, and was chairman of the board over six years, having been elected to that position in October, 1871. He received during that time only expenses while actually engaged in the business of the Government.

I inclose copies of two letters from the Light-House Board of the date of May 21 and 28, giving the nature of his services.

Very respectfully,

JOHN SHERMAN,

*Secretary.*

Hon. W. A. WHEELER,

*President of the Senate.*

TREASURY DEPARTMENT,

OFFICE OF THE LIGHT-HOUSE BOARD,

*Washington, May 28, 1878.*

SIR: Respectfully referring to your indorsement of the letter of the Light-House Board of May 21, 1878, relative to the services and duties rendered by Prof. Joseph Henry as a member of said board, I have the honor to state that he served as a member of the board from October 9, 1852, until the date of his death, May 13, 1878, being twenty-five years and eight months.

During that period he was engaged in the business of the Government, on an average, two months in each year, and served as chairman of the board over six years, having been elected to that position in October, 1871.

The letter of the board of May 21, with your indorsement thereon, is respectfully returned.

Very respectfully,

GEO. DEWEY,

*Naval Secretary.*

Hon. SECRETARY OF THE TREASURY.

TREASURY DEPARTMENT,

OFFICE OF THE LIGHT-HOUSE BOARD,

*Washington, May 21, 1878.*

SIR: I have the honor to acknowledge the receipt of your letter of this date, asking a statement of the services and the duties rendered by Professor Henry as a member of the Light-House Board, the number of years of service, and, if practicable, the number of days in each year, etc.; also, the amount and nature of the expenses incurred by him, and whether they were or were not refunded.

In reply, I beg leave to say that the services and duties rendered by Professor Henry as a member of the Light-House Board consisted of his attendance on the meetings of the board, his participations in its discussions, and in his performance of the duties of chairman of the committee on experiments.

As chairman of this committee, Professor Henry acted as the scientific adviser of the board. But, in addition, it was his duty to conduct the experiments made by the board, not only in the matter of original investigation and testing the material used, but in examining and reporting on the models, plans, and theories presented by others to the board.

The value of the services he rendered in this position is simply inestimable.

He prepared the formula for testing our oils, and, until the infirmities of age rendered it difficult, he usually applied them with his own hands. He conducted the series of experiments resulting in the substitution of lard oil for sperm, which effected an immense saving in cost; and he also conducted the experiments which have resulted in making it possible to substitute mineral oil for lard, when another economy will be made.

His original investigation into the laws of sound have resulted in giving us a fog-signal service conceded to be the best in the world.

His examinations into the action of electricity has enabled the board to almost completely protect its stations from the effect of lightning.

The result of his patient, continuous, practical experimentation is visible everywhere in the service. No subject was too vast for him to undertake; none too small for him to overlook. And while he has brought into the establishment so many practical applications of science, he has done almost as much service by keeping out what, presented by others, seemed plausible, but which on examination proved impracticable.

Every theory, plan, or machine which was pressed on the board, as for the interests of commerce and navigation, was referred to the committee on experiments, when it was examined by its chairman, and was formally reported upon. If it had no practical value, the report on record simply stated the inexpediency of its adoption; but the professor often verbally pointed out to the presenter its fallacy, and sent him away, if not satisfied, at least feeling that he had been well treated.

He thus prevented not only the adoption of impracticable plans, but avoided the enmity of their inventors.

Professor Henry made many valuable reports containing the results of his elaborate experiments into matters which were formally referred to him, which are spread on the records of the board, and the reports were drawn in such form that his suggestions were capable of and received practical application. But, in addition to this, he was constantly extending his scientific researches for the benefit of the service in all directions. His summer vacations were, as a rule, passed in experimentation at the laboratory of the establishment at Staten Island, on its steamers, or at its light stations, pushing his inquiries to their last results.

To experimentation in the interests of this service Professor Henry seemed to give his whole heart. It occupied a portion of all his thoughts, it was present with him at all times, it was woven into all his other duties, and it will be found running through many of the speeches and papers submitted not only to the Smithsonian Institution, but to the National Academy of Science and the Philosophical Society, of which he was head, and to the electrical and other societies of which he was a member. It appeared as if he never lost sight of the needs of the establishment, and as if he never neglected an opportunity to advance its interests.

In addition to his other duties, Professor Henry presided as chairman of the Light-House Board for the last seven years at its weekly meetings, when he did much to infuse into the different members of the board his own spirit of labor for and devotion to its interests.

In reply to the question as to the number of years of service Professor Henry has spent in the Light-House Board, I have to say that he was one of the original members appointed in 1852, and that he served as such continuously up to the time of his death, giving a little more than a quarter of a century to its duties.

In reply to the question as to the number of the days in each year which Professor Henry gave to the Light-House Service, I have to say, the whole of each summer vacation from his duties as director of the Smithsonian Institution, say from six weeks to two months, were devoted to it; but apart from that, few, if any, days were entirely given up to it, except when he was sent by the board to make special examinations and reports, making, perhaps, a month more in each year. Otherwise, while no day was free from it entirely, no day was wholly given up to the Light-House Service.

As to the amount and nature of the expenses incurred by Professor Henry, I have to report that they were simply and solely actual traveling expenses when absent from this city on duty, for which due itemized accounts were made, and which were paid on presentation of his sworn account, under the rules of the Department. All such expenses were refunded, but no other payments were made to him or could be made to him under the organic law of the board.

Very respectfully,

GEO. DEWEY,  
*Naval Secretary.*

The Hon. SECRETARY OF THE TREASURY.

[Indorsement on letter.]

State the number of years Professor Henry served as a member of the board, the number as chairman of the board, and what number, or months, or days in each year, on an average, he was employed for business of the Government.

JOHN SHERMAN, *Secretary.*

MAY 24, 1878.

June 20, 1878.

Sundry civil act for 1879.

To pay to the legal representatives of the late Joseph Henry, for services rendered by him as member and president of the Light-House Board, \$11,000.

(Stat. XX, 214.)

ACTING SECRETARY OF SMITHSONIAN INSTITUTION.

June 7, 1878—*Senate.*

Mr. HANNIBAL HAMLIN asked, and by unanimous consent obtained, leave to introduce a bill (S. 1374) authorizing the Chancellor of the Smithsonian Institution to appoint an Acting Secretary in certain cases.

Mr. HAMLIN. There is no entirely appropriate committee, and I move, therefore, that the bill be referred to a select committee consisting of the three Senators who are Regents of that Institution.

Agreed to.

June 8, 1878—*Senate.*

Mr. HAMLIN. The select committee, to whom was referred the bill (S. 1374) authorizing the Chancellor of the Smithsonian Institution to

appoint an Acting Secretary in certain cases, has directed me to report the bill without amendment. I wish my colleague [Mr. Blaine] would let the bill be put on its passage. It will not take more than a few minutes.

Mr. BLAINE. Very well.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was passed.

*December 13, 1878—House.*

Referred to Committee on Library.

*January 21, 1879—House.*

Passed.

*January 24, 1879.*

*Be it enacted, etc.,* That in the case of the death, resignation, sickness, or absence of the Secretary of the Smithsonian Institution, the Chancellor thereof shall be, and he is hereby, authorized to appoint some person as Acting Secretary, who for the time being shall be clothed with all the powers and duties which by law are devolved upon the Secretary, and he shall hold said position until an election of Secretary shall be duly made, or until the Secretary shall be restored to his health, or, if absent, shall return and enter upon the duties of his office.

(Stat. XX, 264.)

#### PROTECTION OF PUBLIC LIBRARIES.

*June 19, 1878.*

Act to protect public libraries in the District of Columbia, etc.

*Be it enacted, etc.,* That any person who shall steal, wrongfully deface, injure, mutilate, tear, or destroy any book, pamphlet, or manuscript, or any portion thereof, belonging to the Library of Congress, or to any public library in the District of Columbia, whether the property of the United States or of any individual or corporation in said District, or who shall steal, wrongfully deface, injure, mutilate, tear, or destroy any book, pamphlet, document, manuscript, print, engraving, medal, newspaper, or work of art, the property of the United States, shall be held guilty of a misdemeanor, and, on conviction thereof, shall, when the offense is not otherwise punishable by some statute of the United States, be punished by a fine of not less than ten dollars nor more than one thousand dollars, and by imprisonment for not less than one nor more than twelve months, or both, for every such offense.

(Stat. XX, 171.)

#### SCIENTIFIC SURVEYS.

*June 20, 1878.*

Sundry civil act for 1879.

And the National Academy of Sciences is hereby required, at their next meeting, to take into consideration the methods and expenses

of conducting all surveys of a scientific character under the War or Interior Department, and the surveys of the Land Office, and to report to Congress as soon thereafter as may be practicable a plan for surveying and mapping the Territories of the United States on such general system as will, in their judgment, secure the best results at the least possible cost; and also to recommend to Congress a suitable plan for the publication and distribution of the reports, maps, and documents, and other results of said surveys, not exceeding one acre now occupied by them for a period of ten years unless otherwise provided by law at an annual rental of \$1,000.

(Stat., p. 230.)

(See act of March 3, 1879, transferring ethnology to Smithsonian Institution.

#### ETHNOLOGY—CONTRIBUTIONS.

*December 4, 1878.—Senate.*

Mr. DAVID DAVIS, of Illinois, offered concurrent resolution to print 3,000 copies of the report of the Geographical and Geological Survey of the Rocky Mountain region, being Volume 2, contributions to North American Ethnology, in quarto form; 1,500 for the House; 500 for the Senate; 500 for the Survey; 500 for the Smithsonian Institution.

Referred to Committee on Printing.

*December 4, 1878.—House.*

Mr. JOHN R. EDEN submitted concurrent resolution.

(Same resolution as offered by Mr. Davis in Senate December 4, 1878.)

*December 18, 1878.—House.*

Passed for Volume II of Contributions to North American Ethnology, 500 copies for Smithsonian Institution.

*December 20, 1878.—Senate.*

Passed with amendment to give 375 copies to the Smithsonian Institution.

*January 25, 1879.—House.*

Passed as amended.

#### LAND OFFICE MUSEUM.

*January 16, 1879.—House.*

Mr. O. D. CONGER offered bill (H. 5812) making compensation to Mrs. Joseph S. Wilson, the widow of the late Joseph S. Wilson, for collecting the scientific museum for the General Land Office.<sup>1</sup>

Referred to Committee on Appropriations.

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<sup>1</sup> This museum was transferred to the Smithsonian Institution by the Secretary of the Interior July 9, 1872.

## GLOVER ENTOMOLOGICAL PLATES.

January 21, 1879—Senate.

*Petition of Prof. Townsend Glover. (Senate Misc. Doc. No. 38.)*

*To the Senate and House of Representatives:*

Your memorialist respectfully represents that during the past fifteen years he has been the entomologist of the Agricultural Department of the Government; that prior to his connection with the said Department he had commenced a work on entomology; that during his professional connection with said Department he has employed his time, exclusive of that exacted by official duties, in the prosecution of this work; that he has completed said work, which consists of a number of manuscript volumes and two hundred and seventy-nine engraved copperplates illustrating the work, which engraved plates represent the figures of over ten thousand insects.

Your memorialist further represents that the preparation of the manuscript volumes and the engraving of the copperplates are the result of his individual labor, done at his own residence out of office hours; that the work so accomplished has caused him intense study and investigation; that during all the years of his connection with the Agricultural Department and the progress of the work he has prepared and produced for the benefit of said Department books of reference and colored illustrative plates, exclusive of and in addition to his professional duties; that he possesses the evidence, in the shape of a vast amount of correspondence, of the advantages accruing to the agricultural districts of the country from the possession and use by the Government of such information in practical form.

Your memorialist further represents that his object in commencing and prosecuting so extensive and comprehensive a work was to furnish a series of volumes for reference, with full and accurate illustrations, which, when published in proper form, will serve as a text-book for scientists, for the Agricultural Department of the Government, for local organizations, and for individual convenience.

Your memorialist further represents that the preparation of the manuscript volumes, the procuring, figuring, and engraving of so large a variety of insects, have imposed unremitting study and labor and the expenditure of a large amount of his own money; that at a time of life when rest and comfort are desirable he finds himself broken in health and a constant sufferer. Of this he makes no complaint. It is the inevitable consequence of overtaxed powers in the persistent pursuit of a profession which has been the absorbing object of his life.

Your memorialist further represents that he greatly desires that the Government should become the possessor of this work, not only on

ment of its practical utility, but because during all the years of its preparation it has been progressively identified with the Government and the protection it has extended to the agricultural interests of the country and is, to a very large extent, familiar to the agricultural people; but, in his pecuniary circumstances, it would be unjust to himself—nay, impossible—to donate in full what has been produced at so great a sacrifice of time, labor, money, and health. He therefore respectfully proposes a compromise that will doubtless be recognized as liberal on his part and satisfactory to all concerned.

The intrinsic value of the copperplates, including their purchase, preparation, and the work of engraving them, is, at the lowest estimate, \$100 each, and this would be the charge of an engraver for the artistic and mechanical labor after having the insects figured for him.

Your memorialist asks no compensation for the manuscript volumes; these he proposes to donate entire; but he respectfully suggests that it would be just to give him an equivalent to what would be charged by any skilled engraver at the rates which govern for such work and which the Government would have to pay for the illustration—a requisite for a work of this kind: Therefore, your memorialist prays that your honorable bodies appropriate the sum of \$27,900, to be paid to him on his delivery to the Commissioner of Agriculture all his manuscript volumes on entomology and two hundred and seventy-nine engraved copperplates illustrating the same. And he will ever pray.

TOWNEND GLOVER

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ACCOMPANYING LETTER.

*Senate and House of Representatives:*

The undersigned begs leave to accompany his memorial to your honorable bodies with some explanations and suggestions that may more properly and explicitly be stated in a communication of this kind than in a memorial.

His protracted experience in his profession has demonstrated that his work has been highly appreciated by students in agricultural colleges, by the farming people of all parts of the country, and by all who are interested in this branch of natural science, especially the accurate and correctly colored figures, drawn from the insects themselves, which enable any person of ordinary education and capacity to identify the principal injurious species known to affect our agriculture, as well as the beneficial species which are beneficial upon them.

In many cases the species are so marked that persons having little or no knowledge of entomology as a science are enabled to recognize the name of a given insect, and, by referring to the text of the work, to trace its larval or other stages, the food plants upon which it thrives, the time the eggs are deposited, the length of time consumed by the insect in going through its changes, and lastly, the means by which they may be destroyed. As the habits of insects do not change with their nomenclature, and as their forms remain the same, the work must always be found reliable for reference and identification. In the few instances in which names have been changed during the past two years the new names can be substituted with little trouble when the work is finally revised for publication.

The proposition contained in my memorial I can not believe will be regarded in the light of one of the many applications to Congress for personal relief by appropriation. Even a superficial examination of what I have the honor to submit must convince any member of your honorable bodies that I am not asking for relief; that I only ask to be reimbursed for the cost of over 270 plates illustrating my work; that I should give to the Government double the value I should receive provided you should favorably consider my proposition. I offer to transfer for a nominal sum property that \$50,000 would be no compensation for—property that the Government has had the use and benefit of during a protracted period of time; property that comprises the most extensive work on entomology, with the most numerous illustrations, that has ever been produced in this or any country.

As precedents for appropriations of this kind, I need only refer to the liberality of Congress in providing for Arctic explorations and the purchase and publication of valuable reports, to the annual appropriations for geological surveys and specific investigations, and to its favor and encouragement of a great number of meritorious objects. In view of these facts I have no hesitation in resorting to this alternative for the permanent and practical benefit of the agricultural interests, for the reason that, if my proposition is accepted by your honorable bodies, it will enable me to become a more liberal contributor than the Government to an object which, more than any other, has consumed my time, strength, and substance.

I respectfully ask attention to the accompanying original letters, bearing testimony to the character and value of my work, from the late Professor Agassiz; Dr. Hagen, of the Museum of Comparative Zoology, Cambridge, and others.

Very respectfully,

TOWNEND GLOVER.

CAMBRIDGE, February 17, 1871.

MY DEAR DOCTOR: I have duly received your letter concerning Mr. Glover's museum and collections of drawings in the Patent Office at Washington. I have seen them myself and agree with every word you say about their excellence and great importance, both in a scientific and economical point of view, and would consider the publication of his observations and of the delineations of insects injurious to vegetation as most desirable and likely to be in the highest degree creditable to the United States Government. Were I a special student of insects I would urge this publication upon the proper authorities; but it would be ill fitting for me to allow my opinion to go before yours, whom all the world recognizes as a master in entomology. I would therefore recommend to you to send a copy of your letter to me to Mr. Glover, with full authority to make any use he pleases of the same, adding, perhaps, these lines, which may secure a reading of your letter among those who know me already and may not yet know that you are among us.

Ever truly, your friend,

L. AGASSIZ.

Dr. H. HAGEN,

*Museum of Comparative Zoology, Cambridge.*

CAMBRIDGE, MASS., February 9, 1871.

MY DEAR MR. GLOVER: I was very happy to hear from Mr. Sanborn that you have the intention to publish, by aid of the Congress, your excellent work. Next day I told Professor Agassiz the happy news, and he asked instantly from me a very circumstantial report on your work, because he has the intention to do all in his power to help you and your publication.

I tell you I am somewhat ashamed to hear that an aid by the Congress is not without any doubt.

After I had the pleasure to see your museum and your work I have seen a great part of Europe, and I am happy to say that your museum, your work, and even the whole plan after which all is arranged, is rarely unsurpassed at this time by any one in the world.

The plan adopted by you to publish your beautiful drawings and to put them near the shelves as explications is analogous to the excellent manner adopted in the Hunterian Museum in London.

You can be sure at this time there exists no similar museum to yours in England, France, Germany, or Belgium. I believe America could be proud to have such a treasure, and I believe the money necessary for your publication must be given very happily, or, if not, it would be a peculiar standard for the education of the Congress.

Yours, very truly.

Prof. H. A. HAGEN.

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834 THIRTEENTH STREET, FRANKLIN SQUARE,  
Washington, D. C., January 26, 1878.

MY DEAR SIR: Seeing complimentary mention of your scientific labors, past and present, I am reminded of an unfulfilled resolution, long in mind, to communicate to you a remark by the lamented Agassiz, on the occasion of his last visit to this city.

The professor had called at my hotel to talk of the proposed National University, and mentioned having just come from an interesting visit to you at the Agricultural Department, whereupon I inquired his opinion, saying, "Well, professor, no man in the world is better qualified to pronounce judgment than yourself; tell me, what sort of work is Professor Glover doing?" His quick response, accompanied by that illumination of countenance which no one can forget who ever heard him speak upon a pleasant theme, was in these exact words: "Magnificent! His services are extremely valuable, and should he ever have occasion to leave the Department he can have a place in the Museum of Comparative Zoology on his own terms."

This is testimony of which any scientist in the world might be proud, and I doubt not that even one more indifferent than most men to the commendation of his fellows will have pleasure in receiving it.

Immediately after the interview referred to I was absent in Europe for a year, and since my return, the pressure of duties has been such as to have delayed the execution of my friendly purpose until this moment.

With assurances of sincere regard, I remain, my dear professor, very truly yours,

JOHN W. HOYT.

Prof. TOWNEND GLOVER,  
*Agricultural Department.*

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CAMBRIDGE, MASS., February 12, 1871.

DEAR SIR: In the May of 1870 I had the opportunity of visiting the Agricultural Museum in Washington, and to admire the plan upon which it is founded and the unsurpassed manner in which the plan is carried out, solely by the power and work of one man, Mr. Townsend Glover.

As I have ascertained by my late trip through a considerable part of Europe, the Museum in Washington seems to be the only one in the world following a plan so important for science and agriculture. The idea to represent in the same room all the products of the individual States of the Union, the minerals and different kinds of earths, the animals and plants growing spontaneously or by culture in each, and the products useful for men and animals, for trade and manufactures, is in itself a great one, and of special interest for science and its applications.

The manner in which Mr. T. Glover is carrying out his plan is in every way satisfactory and deserves the highest commendation. By way of a certain combination of labels or marks the useful and noxious are easily distinguished. The fruits represented by casts made by Mr. Glover himself, in an unsurpassed manner the different kinds of seeds, their products, etc., give to everybody clear indications of which kind of culture is best adapted for any State or even for a part of earth.

The insects, noxious and useful, with their products, are largely exhibited, and form in this manner an unrivaled museum. Mr. Glover has adopted for them a plan, so far as I know, only comparable in a certain sense to the excellent catalogues in the Hunterian Museum in the College of Surgeons in London. Mr. Glover has figured all the insects, as most of them are too small otherwise to be recognized by the naked eye or to be understood by visitors not initiated in the technicalities of the science.

If necessary, figures of the transformation or product are added.

These figures, mostly very superior to any thus far published, are engraved by himself, and as the catalogues of the Hunterian Museum form for the visitors and students a sure and excellent guide to the drawers in which the specimens are exhibited.

I confess I have no idea how one man had the power alone to accomplish so much work in such a superior manner. I have seen in the papers it would perhaps be possible to have the extensive entomological works of Mr. Glover published. Without any doubt such a publication would not only be of the greatest use for American students, but even accepted by the whole scientific world with the greatest satisfaction.

Respectfully, yours,

Professor AGASSIZ.

Prof. H. A. HAGEN, M. D., Ph. D.

COALBURG, W. VA., *December 28, 1878.*

DEAR SIR: I am very glad to hear that an effort is making to secure for the country Professor Glover's copperplates of the insects of the United States, and his manuscript relating thereto. These materials are invaluable to us, and should Professor Glover dispose of them in England or elsewhere the loss could never be made good. Being an enthusiastic entomologist, as well as artist, these plates have been to him a labor of love, and he has given to them the better part of a lifetime and executes them with the greatest fidelity. His work on the cotton insects is beyond all praise. I know of nothing comparable to it on the range of entomological illustrated literature, and the plates of this work and notes belonging to them are worth, in my opinion, to the country the full sum that Professor Glover requires for the entire lot of plates and manuscript. This work ought to be circulated broadcast over the cotton States for the instruction of the planters and growers. So the insects that infest the sugar cane, the orange trees, the grains, roots, etc., and the several forest trees are nearly all, so far as they are known, figured on these plates. It is of very little use attempting to convey knowledge of the insects injurious to agriculture to the people at large unless colored figures of the insects accompany the text. Such figures appeal to the understanding and memory, and for instruction are absolutely necessary. The loss to the nation by the ravages of insects is annually hundreds of millions of dollars, and the agriculturists everywhere need to be instructed as to the appearance of their enemies before they can intelligently comprehend advice as to overcoming or counteracting them. By all means let us have those plates of Professor Glover as the first step in proper education on this subject.

Yours, truly,

W. H. EDWARDS.

CHARLES R. DODGE, Esq., *Washington, D. C.*

Referred to the Committee on Agriculture.

—Senate.

*ate Misc. Doc. No. 40) in favor of the purchase of the  
wed plates prepared by Prof. Townend Glover.*

at the lifelong work on North American insects of Prof.  
er, late entomologist of the Department of Agriculture,  
ie Government at the mere cost of engraving the plates,  
ire in recommending its purchase, knowing that such a  
ould prove a valuable acquisition to the literature of  
at the work will be found most useful in the libraries of  
ther institutions of learning, agricultural societies, and  
en.

king entomologists of the United States, therefore urge  
session by the Government, that the value of the work  
ized during the life of the author, and that the cause of  
omology may be advanced.

SAM. H. SCUDDER.

Dr. H. A. HAGEN,

*Professor at Harvard University.*

B. PICKMAN MANN.

GEO. DIMMOCK.

E. P. AUSTIN.

S. I. SMITH,

*Professor of Comparative Anatomy, Yale College.*

A. E. VERRILL,

*Professor of Zoology, Yale College.*

J. L. LE CONTE.

E. T. CRESSON.

GEORGE H. HOWE, M. D.

CHAS. A. BLAKE.

P. R. UHLER,

*President of the Maryland Academy of Sciences.*

JNO. G. MORRIS.

C. V. RILEY,

*Chief U. S. Entomological Commission,*

*Entomologist Department of Agriculture.*

CHAS. R. DODGE,

*Editor Field and Forest,*

Committee on Agriculture,

## AMERICAN ETHNOLOGY—ESTIMATES.

*February 28, 1879—House.*

The SPEAKER (Mr. S. J. RANDALL) laid before the House the following letter from the Secretary of the Interior, Hon. C. Schurz, dated February 21, 1879:

Among the estimates submitted to Congress by this Department for the ensuing fiscal year is the following item (see page 167, Book of Estimates): Prosecution of researches in North American ethnology, \$20,000.

Inasmuch as this line of inquiry is not contemplated as an element of the proposed consolidation of the scientific surveys, and as the work has heretofore been well advanced under the direction of its projector, Prof. J. W. Powell, and at his request (see copy of his letter herewith), I have the honor to respectfully recommend that the appropriation for this work be placed under the direction of the Smithsonian Institution.

Referred to Committee on Appropriations.

## AMERICAN ETHNOLOGY—APPROPRIATIONS.

*March 3, 1879.*

Sundry civil act for 1880.

For completing and preparing for publication the contributions to North American Ethnology, under the Smithsonian Institution, \$20,000: *Provided*, That all the archives, records, and materials relating to the Indians of North America, collected by the Geographical and Geological Survey of the Rocky Mountain Region, shall be turned over to the Smithsonian Institution, that the work may be completed and prepared for publication under its direction; *Provided* That it shall meet the approval of the Secretary of the Interior and of the Secretary of the Smithsonian Institution. \$20,000.

(Stat., XX, 397.)

## FREE POSTAGE.

*March 3, 1879.*

Post-Office Act for 1880.

SEC. 20. That mailable matter of the fourth class shall embrace all matter not embraced in the first, second, or third class, which is not in its form or nature liable to destroy, deface, or otherwise damage the contents of the mail bag, or harm the person of anyone engaged in the postal service, and is not above the weight provided by law, which is hereby declared to be not exceeding four pounds for each package thereof, except in case of single books weighing in excess of that amount, and except for books and documents published or circulated by order of Congress, or official matter emanating from any of the Departments of the Government or from the Smithsonian Institution, or which is not declared nonmailable under the provision of sec-

tion 3893 of the Revised Statutes as amended by the act of July 12, 1876, or matter appertaining to lotteries, gift concerts, or fraudulent schemes or devices.

SEC. 29. The provisions of the fifth and sixth sections of the act entitled "An act establishing post routes, and for other purposes," approved March 3, 1877,<sup>1</sup> for the transmission of official mail matter, be, and they are hereby, extended to all officers of the U. S. Government, and made applicable to all official mail matter transmitted between any of the officers of the United States, \* \* \* and \* \* \* to all official mail matter sent from the Smithsonian Institution.

(Stat., XX, 360, 362.)

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**FORTY-SIXTH CONGRESS, 1879-1881.**

**APPOINTMENT OF REGENTS**

*By the Vice-President.*

*March 21, 1879—Senate.*

The VICE-PRESIDENT (Mr. W. A. WHEELER) appointed Newton Booth as Regent, on behalf of the Senate, vice Aaron A. Sargent, whose term had expired.

*February 21, 1881—Senate.*

The VICE-PRESIDENT (Mr. W. A. WHEELER) laid before the Senate the following:

UNITED STATES SENATE CHAMBER,  
Washington, February 21, 1881.

SIR: I hereby resign the position of Regent of the Smithsonian Institution, to which I was appointed January 18, 1870.

Very respectfully, yours,  
Hon. W. A. WHEELER,  
*Vice-President of the United States and President of the Senate.*

H. HAMLIN.

The VICE-PRESIDENT. The Chair appoints to fill this vacancy the Senator from Massachusetts (George F. Hoar).

**APPOINTMENT OF REGENTS**

*By the Speaker.*

*April 4, 1879—House.*

The SPEAKER (Mr. S. J. RANDALL) stated that he had received a letter from the Board of Regents of the Smithsonian Institution asking that he make appointment of Regents. In accordance with this request he appointed Hiester Clymer, of Pennsylvania, Joseph E. Johnston, of Virginia, James A. Garfield, of Ohio.

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<sup>1</sup> See Stat., XIX, 335.

In this connection the **SPEAKER** stated that Alexander H. Stephens, of Georgia, who had been a Regent of the Smithsonian Institution, absolutely declined to serve further as such, because, owing to the state of his health, he was unable to attend the sessions of the **Board**.

#### APPOINTMENT OF REGENTS

##### *By Joint Resolution.*

*December 8, 1879—Senate.*

Mr. HANNIBAL HAMLIN introduced a joint resolution (S. 50) that Asa Gray, of Massachusetts, Henry Coppée, of Pennsylvania, John Maclean, of New Jersey, and Peter Parker, of the city of Washington, be reappointed as Regents of the Smithsonian Institution.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. HAMLIN. I will state the reasons for the passage of this resolution. Before the annual meeting of the Regents of the Institution shall take place in January, the term of office of these four persons will expire, and they are to be reappointed by resolution of the House and Senate. If we take a recess, as we probably shall, before the Board will convene, it will be destitute of these four Regents. I take it there can be no opposition to the reappointment of these four gentlemen, who have rendered eminent and distinguished service to the Institution. I believe the reappointment meets the concurrence of all the Regents as well as of Professor Baird.

Passed.

*December 9, 1879—House.*

Passed.

*December 19, 1879.*

*Resolved, etc.,* That the existing vacancies in the Board of Regents of the Smithsonian Institution of the class other than members of Congress, shall be filled by the reappointment of Asa Gray of Massachusetts, Henry Coppée of Pennsylvania, John Maclean of New Jersey and Peter Parker of the city of Washington, whose terms have expired.

(Stat., XXI, 299.)

#### JOSEPH HENRY—PORTRAIT FOR MEMORIAL VOLUME.

*April 7, 1879—Senate.*

Mr. H. B. ANTHONY introduced joint resolution (S. 17) authorizing the printing of a portrait of the late Joseph Henry, to accompany the memorial volume heretofore ordered. (Same as passed by both Houses in the third session of Forty-fifth Congress.)

Referred to Committee on Printing.

*April 9, 1879—Senate.*

Reported by Committee and passed.

*April 11, 1879—House.*

Passed.

*April 18, 1879.*

*Resolved, etc.,* That the Secretary of the Treasury have printed the portrait of Professor Joseph Henry, to accompany the memorial volume already ordered by Congress; and the sum of \$500 is hereby appropriated, to defray the cost thereof, out of any moneys in the Treasury not otherwise appropriated.

(Stat., XXI, 48.)

#### JOSEPH HENRY—STATUE.

*December 16, 1879—Senate.*

Mr. NEWTON BOOTH introduced bill (S. 875) for the erection of a statue of Joseph Henry. Referred to Committee on Public Buildings and Grounds.

*May 3, 1880—Senate.*

Mr. JUSTIN S. MORRILL introduced bill (S. 1702):

That the Regents of the Smithsonian Institution be, and are hereby, authorized to contract with W. W. Story, sculptor, for a statue in bronze of Joseph Henry, late Secretary of the Smithsonian Institution, to be erected upon the grounds of said Institution; and for this purpose, and for the entire expense of the foundation and pedestal of the monument, the sum of \$15,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated.

Referred to Committee on Public Buildings and Grounds.

*May 6, 1880—Senate.*

Reported by Committee.

*May 24, 1880—Senate.*

Mr. J. B. BECK. I ask the Senate now to take up for consideration House bill No. 4812.

Mr. J. S. MORRILL. I ask the Senator from Kentucky to allow me to call up a bill that will receive, I have no doubt, the unanimous assent of the Senate. It will not take five minutes, and as the bill the Senator proposes to take up will probably occupy all the morning, I ask him to allow me to get up the bill for a monument to Joseph Henry, to be erected in the Smithsonian grounds.

Mr. BECK. I hope I shall not lose my place by giving way.

The PRESIDENT pro tempore (Mr. A. G. THURMAN). The Senator from Vermont asks that the Senate proceed to the consideration of the bill (S. 1702) for the erection of a monument in the city of Washington to the memory of Joseph Henry, late Secretary of the Smithsonian Institution. Is there objection?

Mr. D. W. VOORHEES. Let the bill be read for information.

The CHIEF CLERK read the bill.

The PRESIDENT pro tempore. Is there objection to proceeding to the consideration of this bill?

Mr. G. F. EDMUNDS. I hope the Chair on all such occasions will put the question, for I do not wish to stand unanimous sponsor for anything from this time to the end of the session.

The PRESIDENT pro tempore. The question is on the motion to proceed to the consideration of the bill named by the Senator from Vermont [Mr. Morrill].

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. VOORHEES. Mr. President, I am opposed to legislating a contract into any one man's hands on a subject where competition ought to take place. I do not know how often it has been done heretofore, but in every instance where it has been done it is wrong. A work of this kind ought to be open to competition. Every artist ought to be allowed to compete for a work of this character. [A pause.] The Senator from Vermont very justly reminds me that Mr. Story is an eminent artist. I know that. There are other eminent artists in the country, and all of them think they are. Every one of them desires to put his skill on exhibition, and it is his right to do so. I think that the bill ought to be amended by making this work subject to competition rather than a direct contract with Mr. Story.

Mr. MORRILL. I hope my friend from Indiana will not move any amendment. Mr. Story is the son of the late Chief Justice Story, and is one of the most eminent artists of this country or any other, and has never received an order from the Government. He is eminent in very many other respects than as a sculptor. I trust there will be no amendment offered.

The PRESIDENT pro tempore. There is too much conversation in the Chamber [rapping with his gavel].

Mr. MORRILL. I merely was appealing to my friend, the Senator from Indiana, not to offer any amendment to this bill. It is no more than justice to the very eminent men, the living as well as the dead, to both the person to whom we propose to erect the monument and the artist whom it is proposed to employ, and the sum offered is a very small one indeed.

Mr. VOORHEES. It is difficult for me to withstand an appeal or request preferred by the Senator from Vermont, but I am satisfied that the bill ought to be amended so as to allow competition.

Mr. MORRILL. I hope not.

The PRESIDENT pro tempore. Does the Senator from Indiana move an amendment?

Mr. VOORHEES. I have not done so.

The bill was reported to the Senate without amendment and passed.

The title was amended so as to read: "A bill for the erection of a bronze statue of Joseph Henry, late Secretary of the Smithsonian Institution."

*May 24, 1880—House.*

On motion of Mr. CLYMER, bill considered and passed without objection.

*June 1, 1880.*

*Be it enacted, etc.,* That the Regents of the Smithsonian Institution be, and are hereby, authorized to contract with W. W. Story, sculptor, for a statue in bronze of Joseph Henry, late Secretary of the Smithsonian Institution, to be erected upon the grounds of said Institution; and for this purpose, and for the entire expense of the foundation and pedestal of the monument, the sum of \$15,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated.

(Stat., XXI, 154.)

#### JOSEPH HENRY—PORTRAIT FOR THE INSTITUTION.

*February 24, 1880—Senate.*

Mr. A. H. GARLAND offered a resolution that the Committee on the Library be instructed to inquire into the expediency and propriety of securing an accurate likeness of Prof. Joseph Henry, late Secretary of the Smithsonian Institution, for the purpose of placing the same in the Institution.

Agreed to.

#### LAND OFFICE MUSEUM.

*May 10, 1879—House.*

Mr. O. D. CONGER introduced a bill (H. 1845) making compensation to Mrs. Joseph S. Wilson, widow of the late Joseph S. Wilson, for collecting the scientific museum for the Public Land Office.<sup>1</sup>

Referred to Committee on Public Lands.

#### EXPOSITIONS.

##### *Sydney and Melbourne Expositions.*

*June 10, 1879.*

Joint resolution No. 4 provided for participation by the United States in an international exhibition "of products, manufactures, and arts," at Sydney, New South Wales, and Melbourne, Victoria, in 1879 and 1880, and appropriated \$20,000 to be expended "in the discretion of the Secretary of State."

(Stat., XXI, 49.)

*June 16, 1880.*

In the deficiency act for 1880, etc., the Secretary of State was allowed the sum of \$8,000 to provide for the expenses of the international exhibition on the part of the United States Government at Melbourne, Australia, in addition to the sum already appropriated.

(Stat., XXI, 239.)

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<sup>1</sup>See p. 811.

*Philadelphia Centennial Exposition.**June 20, 1879.*

Joint resolution No. 10 approved to print and bind 5,000 **final** reports of the United States Centennial Commission upon the **International Exhibition of 1876**, 1,000 for Senate, 3,000 for the **House**, 500 for State Department, and 500 for the Centennial Commission.

(Stat., XXI, 50.)

*June 27, 1879.*

Appropriation made by joint resolution for the purchase from the Centennial Board of Finance of the stereotype plates of the **final** reports of the United States Centennial Commission, \$8,600, the plates and copyright, duly assigned, to be delivered to the **Public Printer**.

(Stat., XXI, 53.)

*June 16, 1880.*

Sundry civil act for 1881.

For the preparation of an index to the Official Reports of the **Cen-** tennial Exhibition, now in press, \$300, to be expended under the direction of the Public Printer.

(Stat., XXI, 281.)

*March 3, 1881.*

Deficiency act for 1881, etc.

For international exhibition of 1876, \$1.19.

(Stat., XXI, 428.)

*Berlin Fishery Exposition.**January 15, 1880—House.*

Mr. P. V. DUESTER introduced a joint resolution (H. 170). **Referred** to Committee on Foreign Affairs.

*January 29, 1880—House.*

Mr. L. P. MORTON reported. Referred to Committee of Whole.

*February 4, 1880—House.*

Passed.

*February 10, 1880—Senate.*

Passed.

*February 16, 1880.*

Joint resolution.

Whereas all civilized nations take part in the International Fishery Exhibition to be held in the city of Berlin, Germany, in April, 1880, it is deemed both **right and** expedient that the prominent and effective action of the United States in the **line of** the artificial propagation of fish and the stocking of depleted fishing waters **should** be conspicuously and well exhibited on the occasion: Therefore,

*Resolved, etc.,* That to enable the United States Commissioner of Fish and Fisheries to exhibit America in Berlin, in April, 1880, a fair and full collection of the **different** specimens of American food-fishes, casts thereof, models of, and implements, **etc.,**

used in the prosecution of American fisheries, the sum of \$20,000 is hereby appropriated, out of any moneys not otherwise appropriated in the Treasury of the United States, or so much thereof as may be necessary for the purpose, to be immediately available on the passage of this resolution, to be expended under the direction of the Secretary of State.

SEC. 2. That the United States Commissioner of Fish and Fisheries be, and is hereby, authorized to represent the United States, either in person or by a deputy to be appointed by the President of the United States; and that, at his discretion, he may use any portion of the collections at present forming part of the National Museum in making up the proposed exhibition by the United States.

SEC. 3. That the United States Commissioner of Fish and Fisheries be, and is hereby, instructed to present to Congress, through the Department of State, a report upon the Berlin exhibition, showing the recent progress and present condition of the fisheries and of fish-culture in foreign countries.

(Stat., XXI, 301.)

*Berlin Fishery Exposition—Baird prize.*

*December 17, 1880—Senate.*

Mr. GEORGE F. EDMUNDS introduced a bill (S. 1928) to provide for remitting the duties on the object of art awarded by the Berlin International Fishery Commission to Prof. Spencer F. Baird.

Mr. EDMUNDS. I move that the bill be referred, as usual in such cases, to the Committee on Finance; but I wish to say (I think it is perhaps to the public interest that I should say) what the circumstances were, for usually I am rather opposed to remitting duties.

At this great international exhibition, although Professor Baird was not personally present, by the unanimous vote of the juries Professor Baird was personally awarded the highest prize of honor, consisting of an object of art, made of silver, I believe, which had been given by the Emperor of Germany and King of Prussia to the exhibition beforehand, as several other objects were given, to be awarded, according to their discretion, by the juries to the most deserving persons. Professor Baird, so well known in this country, as I say, received the unanimous vote of the great juries of the exhibition as being best entitled of all the people of the civilized world to this great honor.

A great many other prizes and premiums were awarded; but in respect of three or four of these objects they were called prizes of honor. This particular prize has been sent to this country, so well deserved, as I think it is, and under the circumstances it appears to me that it would be right that the United States should allow the Professor to receive it without being applied to to pay a tax upon it, inasmuch as I think his service to the United States entitles him to that consideration.

In this connection, Mr. President, I beg to have read a letter to me from Mr. Goode, who had charge of our interests at the exhibition, if it is agreeable to the Senate.

The VICE-PRESIDENT (Mr. W. A. WHEELER). The letter will be read.  
The CHIEF CLERK read as follows:

U. S. COMMISSION OF FISH AND FISHERIES,  
INTERNATIONALE FISCHEREI-AUSSTELLUNG IN BERLIN,  
*Washington, D. C., December 14, 1880.*

SIR: I beg leave to submit the following memoranda in regard to the distribution of the prizes at the close of the International Fishery Exhibition in Berlin, and especially with reference to the award of the first honor prize to Prof. Spencer F. Baird, U. S. Commissioner of Fish and Fisheries.

The ceremony of awarding the prizes took place in the great hall of the exhibition building on the 20th of June, 1880. His Excellency Dr. Lucius, minister of agriculture, in an opening address, stated to the Crown Prince of Germany, who was present as the protector of the exhibition, the object of the gathering. The list of prizes was then read by the director of the exhibition, Ministerial Director Marcard, from the printed catalogue, a copy of which is herewith inclosed (*Verzeichniss der gelegentlich der Internationalen Fischerei-Ausstellung zu Berlin, 1880, Zuerkannten Auszeichnungen*). After the reading he turned to the protector of the exhibition and received from him an approval of the awards upon the schedule. A list of the prizes received by American exhibitors is appended to this letter. An examination will show that the highest award, an address of thanks signed by His Imperial Highness the Crown Prince, was awarded to the Government of the United States; that distinguished awards, consisting of gold medals, with special diplomas of honor, were assigned to the U. S. Commission of Fish and Fisheries and the U. S. Coast Survey for their collective exhibits, while the Fish Commission also received gold medals in class 1 and class 6 for special exhibits, and the U. S. Hydrographic Office and the U. S. Engineer Bureau received honorable mention for collective exhibits of charts. In the various classes special exhibitors in the United States section carried away a full quota of gold, silver, and bronze medals. The number may be tabulated as follows: Gold medals, 11; silver medals, 22; bronze medals, 15; honorable mention, 16. It should be stated that a much larger number of medals would have been received by the United States but for the fact that a very large part of the display in this section was collective, and only such articles as had been contributed directly by the exhibitors were entered for special competition. Exhibits, however meritorious, which had been purchased with funds derived from the appropriation, were entered as a part of the general display of the Government, and, according to the policy which had been previously decided upon, the Commissioner refused to receive separate awards for them. The gold medal with special honorary diploma, already mentioned as awarded to the U. S. Fish Commission, was intended as a recognition of all exhibits of this description.

There were thirteen grand prizes of honor, a list of which and the names of their recipients are herewith presented. The highest, the grand prize, the gift of the Emperor of Germany and King of Prussia, was awarded to Prof. Spencer F. Baird, U. S. Commissioner of Fisheries. At the meeting of the grand jury, at which the disposition of these prizes was decided upon, it was first proposed that this prize should be assigned to the Government of the United States. This proposition was voted down, and it was agreed that it should be given to Professor Baird, in recognition of his efforts as the official head of the American department and especially of his personal attainments and services as a scientific investigator of the fisheries, and as a fish-culturist. In a speech made on another occasion, Chamberlain Behr, president of the Deutsche Fischerei Verein, stated that Professor Baird was recognized throughout Europe as the first fish-culturist of the world. As will be seen by refer-

ence to the prize list, this prize was awarded in exactly the same manner as others of less importance to various exhibitors of apparatus and fishery products.

Very respectfully,

G. BROWN GOODE, *Deputy Commissioner.*

HON. GEORGE F. EDMUNDS.

*December 21, 1880—Senate.*

Mr. JUSTIN S. MORRILL, from Committee on Finance, reported back favorably S. 1928. Passed.

*February 15, 1881—House.*

On motion of Mr. J. G. CARLISLE, S. 1928 was passed.

*February 21, 1881.*

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he hereby is, directed to remit the customs duties chargeable upon the object of art given by His Majesty the German Emperor and King of Prussia to the Berlin International Fishery Exhibition, and by it awarded as the first grand prize of honor to Professor Spencer F. Baird, at the exhibition held in the city of Berlin, Prussia, in the month of June, 1880.

(Stat., XXI, 608.)

*Philadelphia Sheep and Wool Exposition.*

*April 1, 1880.*

Act was approved providing for the participation by the Government in the International Sheep and Wool Show at Philadelphia, September, 1880, the Commissioner of Agriculture to attend in person or by deputy and to make a full and complete report of the same.

(Stat., XXI, 70.)

*June 16, 1880.*

*Agricultural Department act for 1881.*

For the purpose of testing by scientific examination the textile strength, felting capacity, and other peculiarities of the different wools and animal fibers on exhibition at the International Sheep and Wool Exposition to be held in Philadelphia, in 1880, \$4,000.

(Stat., XXI, 295.)

*March 3, 1881.*

An act making appropriations for the Department of Agriculture provided for testing the textile strength, felting capacity, and other peculiarities of the different wools and animal fibers collected at the Philadelphia International Exhibition of Sheep and Wool Products, \$5,000, including \$500 to John L. Hayes for his report on Sheep Husbandry in the South, published by resolution of Congress.

(Stat., XXI, 384.)

*New York Exposition.*

*April 23, 1880.*

Act was approved to provide for celebrating the one hundredth anniversary of the treaty of peace and the recognition of American independence, by holding an international exposition of arts, manufactures, and the products of the soil and mine in the city of New York in 1883.

A commission was appointed with authority to issue stock for \$12,000,000. Not less than \$1,000,000 was to be subscribed and not less than 10 per cent paid in before said corporation could do any corporate act other than organize.

(Stat., XXI, 77.)

March 1, 1881.

Joint resolution.

*Resolved, etc.,* That whenever the President shall deem the preparations which shall have been made therefor adequate he is hereby authorized and requested, in the name of the United States, to invite all foreign governments to be represented at and take part in the international exhibition of arts, manufactures, and products of the soil and mine to be held under the direction of the United States International Commission at the city of New York, in the State of New York, in the year 1883: *Provided, however,* That the United States shall not be liable, directly or indirectly, for any of the expenses attending such exhibition, or by reason of the invitation hereby authorized.

(Stat., XXI, 520.)

#### NATIONAL MUSEUM—TRANSPORTATION.

July 1, 1879.

GENERAL ORDERS,

No. 65.

HEADQUARTERS OF THE ARMY,

ADJUTANT-GENERAL'S OFFICE,

Washington.

By direction of the Secretary of War:

The Quartermaster's Department is authorized to receive from parties living at or near military posts any articles intended for the National Museum, and forward them to Washington, under the regulations governing transportation of military property, and on the same forms of bills of lading. The packages to be marked, "National Museum, care Depot Quartermaster, Washington, D. C.," and settlement to be made by the Quartermaster's Department.

By command of General Sherman:

E. D. TOWNSEND,  
*Adjutant-General.*

#### NATIONAL MUSEUM—USE OF BUILDING.

February 9, 1880—House.

Mr. A. M. BLISS introduced a joint resolution:

That the use of the new National Museum building, now in process of erection, be granted to the Democratic National Convention of 1880, under regulations to be prescribed by the Secretary of the Smithsonian Institution.

Referred to Committee on Public Buildings and Grounds.

February 28, 1881—House.

Mr. PHILIP COOK presented House concurrent resolution:

That permission is granted to the Washington Light Infantry Corps of the District of Columbia to use the Museum building on Monday evening, the 7th of March, 1881, provided that no expense shall be thereby incurred to the United States.

Mr. OMAR D. CONGER. Let that lie over a day.

The SPEAKER. The Chair desires to state that a committee of the company called upon him in respect to this matter. Their object is to give a public reception to the visiting military companies from abroad who are expected to be here at the inauguration. It is represented that there is no other place in the city large enough for the purpose of such a reception, and this request is made in consequence thereof.

Mr. CONGER. I withdraw the objection.

Adopted.

*March 1, 1881—Senate.*

Mr. GEORGE F. HOAR. I rise to ask unanimous consent that the resolution just sent over from the House [adopted February 28, 1881] relating to the use of a certain public building for the inauguration ceremonies may be referred to the Committee on Public Buildings and Grounds.

Mr. JOHN A. LOGAN. With that reference I ask to have referred an amendment to strike out the words "Light Infantry of the District of Columbia" and insert "military organizations of the District of Columbia;" and I hope the committee will give it consideration.

The PRESIDING OFFICER (Mr. A. G. THURMAN). The Chair will lay before the Senate the concurrent resolution of the House of Representatives.

The resolution was read, as follows:

*Resolved, etc.,* That permission is granted to the Washington Light Infantry Corps of the District of Columbia to use the Museum building on Monday evening, the 7th of March, 1881, provided that no expense shall be thereby incurred to the United States.

The PRESIDING OFFICER. The Senator from Massachusetts moves the reference of the resolution to the Committee on Public Buildings and Grounds, and the Senator from Illinois proposes an amendment which he asks to be referred with it. Is there objection? The Chair hears none, and it is so ordered.

*March 2, 1881—Senate.*

Reported adversely and Committee discharged from consideration.

#### NATIONAL MUSEUM—SUNDAY AND NIGHT OPENING.

*May 17, 1880—House.*

Mr. SAMUEL S. COX presented petition of 1,000 citizens "that Congress give the laboring classes, who are employed six days in the week, an opportunity for mental improvement by opening the Congressional Library, the Smithsonian Institution, and Medical Museum on Sundays and at night." Referred to Committee on Library.

## NATIONAL MUSEUM BUILDING.

*June 10, 1880—Senate.*

Mr. J. G. BLAINE. I want the attention of the honorable Senator from Kentucky [Mr. James B. Beck] to an amendment I am going to offer, because I appeal to him to give it his support, much as he thinks the bill may be weighted.

The building now going up known as the National Museum building is one which has been constructed at unusually small expense, especially so for a Government building. They set out to build it for \$250,000. It is a very large building in area, as all Senators who have visited it know. They are finishing it with a common concrete floor, just such as you have on the street to drive on. The floor that is now designed and that they must adopt if kept within the appropriation which is now granted them will be a simple ordinary rough concrete floor on which they propose to put strips of boards for walking. I think that would be a great disfigurement to a building which will be greatly visited, which will be an object and center of interest to all the visitors to Washington and to the whole people of the country. I think the beauty of the building, the beautiful design for which it is intended, and all connected with it deserve at least that there should be a good floor in it.

I had a conference with the chairman of the commission who are building it, and they would be very glad, if they had the money, to put in that building a marble-tile floor. I appeal to every Senator, before it is too late, not to disfigure that fine building by making the floor there nothing more than the common street way that leads up to it. It will require to put a marble-tile floor in that building \$25,000, and I appeal to the honorable Senator from Kentucky to allow it to be done. At all events I shall offer the amendment. It is a matter in which no one Senator has a particle more interest than another Senator. It is a matter that concerns the utility and in a very high degree the beauty and comfort of a great national building.

Therefore I offer the amendment to come in after line 1005, under the heading of "National Museum." I have the estimate of Mr. Cluss, the superintendent architect, in my hand, that it will require \$25,000 to put down a marble-tile floor bedded in hydraulic cement.

The PRESIDING OFFICER (Mr. A. G. THURMAN). The Secretary will report the amendment.

The CHIEF CLERK. It is proposed, after line 1005, to insert: For laying of marble-tile floor bedded in hydraulic cement, \$25,000.

Mr. J. B. BECK. I shall raise the question of order that that is not in order, not estimated for, not reported by any committee, and not sent to the Committee on Appropriations. Professor Baird has been before us and we have given him every dollar that he has asked in every form on that building, and he never even suggested this to us.

Mr. BLAINE. He did not suggest it because there was a sort of implied contract that the building was to be put up for just this limited amount. It was stated, possibly a little boastfully, that it could be done for that amount. I do not think the point of order would apply to the amendment. It is an item under a head for which appropriations are made in the bill, and they may be made more or less. I think it ought to be left to the Senate to decide that.

The PRESIDING OFFICER. The Chair will submit the question of order to the Senate.

Mr. H. G. DAVIS, of West Virginia. I hope the Chair will hear me one moment.

The PRESIDING OFFICER. It is the purpose of the Chair to submit the question of order that it may be debated.

Mr. DAVIS, of West Virginia. There can not be any question about the amendment being out of order, and I hope the Chair is not in doubt about it. It is out of order, I understand, for three reasons: First, it is not estimated for; second, the Committee on Appropriations did not receive the one day's notice which is required of any amendment going upon this bill; and in the third place, as I understand, it comes from no standing committee. For each of these three reasons it is out of order.

Mr. BLAINE. I hoped I might have unanimous consent.

The PRESIDING OFFICER. The question before the Senate is, Is the amendment offered by the Senator from Maine in order?

Mr. H. B. ANTHONY. I am in favor of this amendment, but I can not imitate the example so often set by Senators of voting upon parliamentary questions with reference to the merit of the proposition upon which the question of order is raised. I think it is out of order, although I am in favor of the amendment.

Mr. BLAINE. The only reason for my urgency about it is that it is just one of those things that must be done now or it is too late. They will go on making this floor, and if we ever attempt afterwards to change it, all that will have to be undone. Indeed, I am sure that next autumn when Congress reassembles they will see how unfit it is to use a mere stable floor, a mere barn yard floor. There is not a modern stable in this city, there is not what would be called a decent and comfortable stable built in this city, that will not have a floor as carefully made as the present estimate will give to the National Museum.

Mr. BECK. I have only to add in explanation that Professor Baird has conducted this building with great care. We have great confidence in him. He has never asked us for anything that we have not given him. We have added to the appropriation for the National Museum \$5,000 for heating apparatus, \$12,500 for water and gas fixtures, and for the construction of relieving sewer and other things.

We have adopted every suggestion he has made, and he is entirely content, so far as we know, with the building as it is.

Mr. BLAINE. I do not say that I know anything, but I should be very glad to have the question referred to Prof. Spencer Baird as to what he thinks is the proper thing to be done.

Mr. BECK. I have stated what he said before the committee.

Mr. BLAINE. Upon further reflection, and realizing myself that the amendment is not in order—I hoped that I might get the consent of the gentlemen who are in charge of the bill—I will withdraw it, and I give notice to the Senate that on the general deficiency bill I will ask the judgment of the Senate upon this amendment.

The PRESIDING OFFICER. If there is no objection the amendment will be withdrawn.

*December 10, 1880—House.*

The SPEAKER (Mr. SAMUEL J. RANDALL) laid before the House a letter from the Secretary of the Smithsonian Institution, dated December 9, 1880.

I have the honor to inform you that the new National Museum building, for the erection of which Congress appropriated \$250,000, has been substantially and satisfactorily completed with the exception of the floors of the main halls. These original estimates provided for floors of concrete and cement. So many remonstrances, however, have been made against the use of this material, instead of marble or tile for the flooring, as not being in accordance with the architectural beauty and design of the building, that at a called meeting of the Board of Regents of the Smithsonian Institution, on the 8th instant, the subject was considered and the following resolution adopted:

*Resolved*, That for the purpose of substituting a marble or tile flooring instead of concrete as originally designed, for the large halls in the National Museum, an appropriation of \$25,000 be requested of Congress, to be expended according to the plans and under the direction of the building commission of the Board of Regents of the Smithsonian Institution, under whose supervision the Museum has been constructed.

Referred to Committee on Appropriations.

*January 31, 1881—House.*

Mr. JOSEPH C. S. BLACKBURN. With the consent of the gentleman from Indiana [Mr. Cobb] I will report from the Committee on Appropriations a bill which should be passed now.

Mr. T. R. COBB. I will yield for that purpose.

Mr. BLACKBURN, from the Committee on Appropriations, reported a bill (H. 7098) making an appropriation for the flooring of the National Museum; which was read a first and second time, referred to the Committee of the Whole, and ordered to be printed.

Mr. AMOS TOWNSEND. I ask the gentleman from Kentucky [Mr. Blackburn] to yield to me for a moment.

Mr. BLACKBURN. I am a trespasser upon the floor myself, with the courtesy of the gentleman from Indiana [Mr. Cobb]. I move that the

House now resolve itself into Committee of the Whole on the state of the Union to consider the bill just reported by me from the Committee on Appropriations.

Agreed to, and the House accordingly resolved itself into Committee of the Whole, Mr. SIMONTON in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the bill (H. 7098) making an appropriation for the flooring of the National Museum. The bill will now be read.

The bill was read. It appropriated the sum of \$26,000, or so much thereof as might be necessary, to place a flooring of marble or encaustic tiles in the large halls of the National Museum building, to be expended according to the plan and under the direction of the building commission of the Board of Regents of the Smithsonian Institution, under whose supervision the Museum had been constructed.

Mr. BLACKBURN. I will state that this National Museum building is now about completed, and it is simply a question whether the matter of flooring shall be according to the original plan, of asphalt or concrete, or whether a change should be made in the plan so far as to substitute a marble or tile flooring. The concrete pavement would cost about \$9,000. The cost of the encaustic tile or marble pavement will be not to exceed \$25,000. I hold in my hand a letter from Professor Baird, which is indorsed unanimously by the Board of Regents, recommending that an appropriation of \$26,000 be made for the purpose of flooring the main halls of the National Museum building with marble or tiling. It is indorsed, I believe, by every member on the Committee on Appropriations. Unless some member desires it, I will not ask to have the letter read.

Mr. J. R. HAWLEY. Let it be printed in the Record as a part of your remarks.

Mr. BLACKBURN. I will make that request.

There was no objection, and it was so ordered.

Mr. BLACKBURN. If no one desires to move an amendment to the bill, I will move that the committee now rise and report it favorably to the House.

The motion was agreed to. Reported and passed.

*February 4, 1881—Senate.*

Mr. JUSTIN S. MORRILL. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (H. 7098) making an appropriation for the flooring of the National Museum, to report it without amendment. The bill has already passed the House, and I desire that it may be read, and I ask for its immediate consideration.

Mr. HENRY G. DAVIS, of West Virginia. Let the bill be read for information.

The CHIEF CLERK read the bill.

H. Doc. 732—53

Mr. MORRILL. I will say that this bill should have been considered yesterday. It is important to have its immediate consideration, because, although the sum appropriated is no more than will be required for putting tiles in the Museum, it is thought to be exceedingly desirable that the bill should pass now, in order that a certain portion of the building may be available for the 4th of March.

Mr. DAVIS, of West Virginia. I recognize the necessity for immediate action, and therefore do not object; but I should like to ask the Senator if this appropriation covers the entire expense for tiling the Museum?

Mr. MORRILL. I so understand it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. DAVIS, of West Virginia. I notice from the reading of the bill that it provides for only one room, which is a large part of the building. I do not know why there should be two parts of the appropriation. I ask the Senator how that is?

Mr. MORRILL. I must say that I have not made particular inquiries as to that. A portion of the building, I understand, is to be covered with a pine floor or concrete. This appropriation is all that is asked for, and it is all I know anything about.

Mr. ROBERT E. WITHERS. I will state to the Senator from West Virginia, with the permission of the Senator from Vermont, that this is designed simply to provide a paving for the central hall of the Museum building. Other portions of it are to be floored with plank. The central building is now completed with a flooring merely according to the original plan. It is designed to pave it with marble and tiles. That is the whole of it.

Mr. MORRILL. And if the bill passes to-day, I understand there is some chance for the completion of the flooring in time for the inauguration. Passed.

*February 9, 1881.*

*Be it enacted, etc.,* That the sum of \$26,000, or so much thereof as may be necessary be, and the same hereby is, appropriated out of any money in the Treasury not otherwise appropriated, to place a flooring of marble and encaustic tiles in the large halls of the National Museum building, to be expended according to the plans and under the direction of the building commission of the Board of Regents of the Smithsonian Institution under whose supervision the Museum has been constructed.<sup>1</sup>

(Stat., XXI, 324.)

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<sup>1</sup> Building commission: William T. Sherman, Peter Parker, and S. F. Baird. After competitive bids, marble tiles were furnished by Emil Fritsch of New York, and encaustic tiles by the United States Encaustic Tile Company, of Indianapolis.

## STREET RAILROAD TO NATIONAL MUSEUM.

*December 16, 1880—Senate.*

A bill (S. 257) to amend the act incorporating the Capitol, North O Street, and South Washington Railway Company, considered.

Mr. GEORGE F. EDMUNDS. It was suggested to me the other day by gentlemen connected with the National Museum, that in the public interest it might be well to allow this company to run a track along B street south, which would bring the public by this cheap method of transportation directly to the door of the National Museum. As the tracks are now, it requires a walk of what would amount probably to two squares or so from the nearest point where the cars run to reach the Museum.

Mr. WILLIAM P. WHYTE. The subject of the proximity of the National Museum to this route has been suggested and considered, and I am about to offer to the amendment of the committee another amendment, different in its character, to take the place of matter in the amendment of the committee, and with it will have read for the information of the Senate a letter from the Secretary of the Smithsonian Institution, Mr. Baird, upon the subject, and I think it will be satisfactory.

SMITHSONIAN INSTITUTION,  
*Washington, D. C., May 21, 1880.*

SIR: I am in receipt of your letter of the 20th instant, and in reply beg to say that I would earnestly commend to the favorable attention of the proper authorities the proposed plan of extension of your line of street railway. Passing along Fourteenth to B street South, the line would accommodate visitors to and employees of the United States carp ponds, the Bureau of Engraving and Printing, the Washington Monument, the Agricultural Department, the Smithsonian Institution, and the new National Museum building. One of the principal entrances of the last-mentioned establishment will be on B street, the entire north side of which belongs to the General Government.

Although B street is not among the widest streets of the city, ample room would be left for a railroad were a single railway track laid near its north curb. There could be sidings or turnouts at Ninth or Twelfth street.

Very respectfully,

SPENCER F. BAIRD,  
*Secretary.*

CHARLES WHITE, Esq.,  
*President of the Columbia, North O Street  
and South Washington Railway Company.*

## NATIONAL MUSEUM—ESTIMATES.

*December 1, 1879—House.*

Estimates by the Secretary of the Smithsonian Institution for 1881, through the Secretary of the Interior.

For cases, furniture, and fixtures required for the exhibition of the collections of geology, mineralogy, natural history, ethnology, technology, etc., belonging to the United States, and those presented to

the Government at the Centennial in 1876, to be immediately available, \$75,000.

For steam-heating apparatus and fuel for new National Museum building, to be immediately available, \$20,000.

For water and gas fixtures and electrical apparatus for new National Museum building, to be immediately available, \$10,000.

For the preservation and care of the collections of the surveying and exploring expeditions of the Government, and the objects presented to the United States at the Centennial Exhibition, 1876, \$50,000:

Preservation of collections, Armory building: For watching, care, and storage of articles belonging to the United States, including those from the Centennial, and transfer to the new National Museum, \$2,500.

SMITHSONIAN INSTITUTION,  
*September 23, 1879.*

SIR: I have the honor to transmit herewith the estimates for the National Museum in charge of the Smithsonian Institution for the fiscal year ending June 30, 1881, with the following explanations:

The appropriations made by Congress for the "Preservation and care of the collections and the distribution of duplicates" for 1878-79 were \$23,000, and for 1879-80, \$28,000.

These sums were required for the proper care and exhibition of the collections then and now in the Smithsonian Institution. During the coming year, however, arrangements must be made for unpacking, cleaning, assorting, putting in order, and exhibiting the extensive and additional collections received at the Centennial in 1876, and now stored in boxes in the Armory and elsewhere.

Congress having made provision for a new and large building, covering nearly 2½ acres, for the suitable exhibition of the mineral wealth, the animal and vegetable resources, the fisheries, and the ethnology of the United States, as well as for the valuable donations made at the Centennial by foreign Governments, the Regents of the Smithsonian Institution have carried out the law, proceeded with the erection of the National Museum, and will soon have it ready for occupancy.

No appropriation having been made for furniture, cases, fixtures, heating, lighting, water, signal, and other arrangements required for the new building, the accompanying schedule includes the estimates of what is considered necessary for these purposes.

I have the honor to be, your obedient servant,

SPENCER F. BAIRD,  
*Secretary Smithsonian Institution.*

Hon. C. SCHURZ,  
*Secretary of the Interior.*

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*October 14, 1879.*

SIR: I have the honor to acknowledge the receipt of your circular of the 11th instant instructing me to report to the Department estimates of the amounts which will be required for postage and for printing and binding for the National Museum during the fiscal year ending June 30, 1881.

For postage: Stamps are desired of different values, to the amount of \$1,000, as in previous years.

For printing and binding: For printing labels, circulars, and blanks for the service

National Museum, \$2,500. For printing "Bulletins" and "Proceedings of the National Museum," \$7,500.

Very respectfully,

SPENCER F. BAIRD.  
*Secretary Smithsonian Institution.*

C. SCHURZ,  
*Secretary of the Interior.*

July 13, 1880.

In reply to your letter of the 6th instant, asking estimate for amounts of postage that will be required by the National Museum for the fiscal year June 30, 1881, and the remainder of the present fiscal year, I have to say, the former and \$300 for the latter period.

I am, very truly, yours,

SPENCER F. BAIRD,  
*Secretary.*

GEORGE M. LOCKWOOD,  
*Chief Clerk, Department of the Interior.*

July 13, 1880.

In the interest of the National Museum, I would respectfully submit to your consideration the propriety of introducing the accompanying amendments into the civil bill.

1. The estimates for the cost of the steam heating apparatus and that of piping and gas fitting for the National Museum were transmitted last autumn to Treasury Department we had had no carefully determined details of the work, merely reported provisionally. Since then, however, we have had competitive bids from various parties and find that I underrated the amount and character of material and labor involved.

Lowest estimate for the steam heating is \$19,500, and this does not include the making and walling up nearly a quarter of a mile of brick trenches.

Similar understatement exists in regard to the plumbing, gas fitting, and electric apparatus.

We have asked that the amount be made immediately available, as the continuation and completion of the regular work on the building awaits the receipt of this appropriation.

2. Third item is for the relieving sewer, which is absolutely necessary to prevent overflow of the new building from being flooded by backwater during heavy rains.

We have found by experience that the pipe already inserted is insufficient, and that serious injury to the foundations and basement of the building will result unless this relief is afforded.

Very respectfully, your obedient servant,

SPENCER F. BAIRD.

JAMES B. BECK,  
*Chairman Subcommittee on Appropriations, United States Senate.*

1. Heating apparatus: Steam heating apparatus and fuel for new National Museum building, \$22,500, to be immediately available.

2. Piping and gas fixtures: Water and gas fixtures and electric apparatus for new National Museum building, \$12,500, to be immediately available.

3. Construction of relieving sewer, with the necessary manholes and traps, from National Museum building to the Seventh street sewer, \$1,000.

October 7, 1880.

SMITHSONIAN INSTITUTION,  
Washington, October 7, 1880.

SIR: I have the honor to acknowledge the receipt of your circular of September 30, instructing me to report to the Department estimates of the amounts that will be required for postage and for printing and binding for the National Museum during the fiscal year ending June 30, 1882.

For postage: Stamps are desired of different values to the amount of \$1,000, as in previous years.

For printing and binding: For printing labels, circulars, and blanks for the service of the National Museum, \$4,000. For printing "Bulletins" and "Proceedings of the National Museum," \$10,000.

Very respectfully, your obedient servant,

SPENCER F. BAIRD,  
*Secretary Smithsonian Institution.*

Hon. CARL SCHURZ,  
*Secretary of the Interior.*

December 6, 1880—House.

Estimates for 1882.

For cases, furniture, and fixtures required for the exhibition of the collections of geology, mineralogy, natural history, ethnology, technology, etc., belonging to the United States, \$75,000.

For expense of heating, lighting, telephonic and electrical service for the new Museum building, \$6,000.

For the preservation and care of the collections of the surveying and exploring expeditions of the Government, \$55,000.

Armory building: For watching, care, and storage of duplicate Government collections and of property of the U. S. Fish Commission, Armory building, \$2,500.

December 21, 1880.

NATIONAL MUSEUM BUILDING COMMISSION,  
OFFICE OF SMITHSONIAN INSTITUTION,  
Washington, D. C., December 21, 1880.

SIR: I have the honor to inclose herewith an estimate for a deficiency in the appropriation for the sewer of the National Museum building, and to request that it be introduced, if possible, into the pending bill.

Respectfully, yours,

SPENCER F. BAIRD.

Hon. JOHN SHERMAN,  
*Secretary of the Treasury.*

National Museum relieving sewer: Additional amount required for running relieving sewer into North B street sewer instead of into Seventh street sewer, \$700.

NOTE.—An appropriation of \$1,000 was made at the last session of Congress to construct a relieving sewer from the National Museum building to Seventh street. It is found, however, that this will not answer the purpose and that the relieving sewer must be carried into the North B street sewer directly instead of indirectly by way of Seventh street. The distance is two-thirds greater and the additional amount of \$700 is required to effect the desired result, the sewer being absolutely necessary to the safety of the new Museum building.

May 18, 1881.—House.

efficiency estimates for 1881, etc., from the Acting Secretary of the Treasury.

National Museum relieving sewer: Additional amount required for joining the relieving sewer of the National Museum building into the North B street sewer instead of into the Seventh street sewer, \$900.

RE.—The South B street sewer being entirely insufficient for the drainage of the new National Museum building and involving serious injury to the foundations of the floors, an appropriation of \$1,000 was made at the last session of Congress making a connection with the sewer of Seventh street. A careful investigation, after last summer's rains, showed this equally inadequate to the test, and the appropriation was not expended. The alternative is to make a sewer connection to North B street, and as the distance to be traversed is nearly twice as great as originally estimated for, the additional amount of \$900 is required.

Preservation of collections, Smithsonian Institution: For expense of transfer to and arrangement in the new National Museum building of collections of the United States surveying and exploring expeditions and of the specimens presented to the United States at the International Exhibition of 1876, \$10,000, being for the service of the current fiscal year.

To enable the Secretary of the Treasury to pay the commission not to exceed three-eighths of 1 per cent for disbursing the appropriations made for the construction of a fireproof building for the National Museum, \$1,081.87.

RE.—The disbursements referred to were made under an appointment from the Secretary of the Treasury, but a doubt having arisen as to whether a commission be allowed on payments made for this class of public buildings, the question is left for the determination of Congress.

Reference to act, March 3, 1875; Stat. XVIII, p. 415, sec. 4, and Revised Statutes, sec. 255, and p. 719, secs. 3657-3658; Ex. Doc. 44.)

May 23, 1881.

SMITHSONIAN INSTITUTION,  
Washington, D. C., February 23, 1881.

RE: One of the most important of the proposed exhibits in the new National Museum building will be a series illustrating the economical geology of North America, to include all the varieties of ores, of metals—from every noted mine in the United States; building stones; combustibles—as coal, petroleum, etc.; and potter's earth, clays, etc. These will be supplemented by the very extensive collection of foreign minerals presented to the United States at the Philadelphia Exhibition of 1876. One-fourth, or more, of the entire building, including a space of more than 25,000 square feet of floor, will be devoted to these series.

RE: George W. Hawes, the officer in charge of the department of mineralogy of the Smithsonian Institution, has been charged with the preparation of a report upon the building materials of the United States. For this purpose samples of building material from all parts of the country have been asked for and are being gathered, in addition to a very extensive collection already in the Museum.

RE: A great question in connection with this subject is the resistance of the building material to atmospheric influences and to superincumbent pressure. The former can be determined in the laboratory of the National Museum by the existing facilities, but the latter quality requires a machine specially constructed for the purpose.

Desirous of ascertaining whether such a machine was already available in this city, I made inquiry of the various Departments and am informed that there is nothing extant which meets the requirements of the case, and that while the tensile strength of iron and steel can be readily ascertained, there is nothing by which the resistance of pressure of stone and wood can be determined with precision and convenience.

As the investigation of Dr. Hawes will involve a critical consideration of a vast amount of material intended to be used or available for the construction of public buildings in the United States, I would respectfully ask an appropriation of \$7,000 for the purpose in question, the machine to be arranged in the geological department of the National Museum, and in addition to its special application, to be used in behalf of any applicant who shall forward samples of stone to be tested of proper sizes.

The information gained by a single experiment in connection with selecting material for a public building may be worth many times the cost of the machine.

I have the honor to be, your obedient servant,

SPENCER F. BAIRD,  
*Secretary, Smithsonian Institution.*

Hon. H. G. DAVIS,  
*Chairman Senate Committee on Appropriations.*

Test machine: For the construction of a machine for determining the strength of building stone and wood, in connection with the collections of the National Museum, \$7,000.

#### NATIONAL MUSEUM—APPROPRIATIONS.

*March 31, 1880—Senate.*

In the deficiency bill (H. 4924) for the year ending June 30, 1880, etc., were the following:

For steam heating apparatus and fuel for the new National Museum building, \$20,000.

For water and gas fixtures and electrical apparatus for the new National Museum building, \$10,000.

Mr. W. W. EATON. This is a very large increase over the appropriations made by the other House, and therefore I feel that it is proper that I should make a very brief explanation of it.

Professor Baird came before us and satisfied your committee that it would be a very great saving of expense to the Government if the steam heating apparatus, the water and gas fixtures and electrical apparatus can be put into the new Museum building between this time and the 1st of July. The building can not be finished until that is done. They have arrived at a point in the construction of the building when it becomes necessary to add these features to it. Therefore the committee were unanimously of the opinion that this appropriation ought to be made. I will read a letter from Professor Baird.

SMITHSONIAN INSTITUTION,  
*Washington, D. C., March 10, 1880.*

SIR: I would respectfully ask the Appropriation Committee of the Senate to insert in the special deficiency bill, whenever it may come before the committee, certain items herewith inclosed in reference to the National Museum, now included in the estimates of the next fiscal year. The appropriation made by Congress of \$250,000

for the building itself will be sufficient to complete it. The heating apparatus, however, the plumbing, and the electrical arrangements will necessarily require a separate appropriation.

The building is now nearly completed and will probably be out of the contractor's hands by the 1st of June. It will greatly facilitate its prompt occupation if the appropriation asked for can be made.

Very respectfully,

SPENCER F. BAIRD.

Hon. H. G. DAVIS,

*Chairman Appropriation Committee, United States Senate.*

Amendment agreed to.

*June 16, 1880.*

Sundry civil act for 1881.

For cases, furniture, and fixtures for the reception, care, and exhibition of the collections of geology, mineralogy, ethnology, technology, and natural history, presented to the Government by foreign nations. \$50,000.

For a steam heating apparatus and for fuel, \$25,000, to be immediately available.

For water, gas-fixtures, and electrical apparatus, \$12,500, to be immediately available.

For construction of relieving sewer, with the necessary man-holes and traps, from the new National Museum building to the Seventh-street sewer, \$1,000.

(Stat., XXI, 272.)

For preservation and care of the collections of the surveying and exploring expeditions of the Government and the objects presented to the United States at the International Exhibition of 1876, \$45,000.

Armory building: For expense of watching, care, and storage of articles belonging to the United States, including those transferred from the International Exhibition of 1876, and for transfer to the new National Museum, \$2,500.

(Stat., XXI, 276.)

*February 26, 1881—House.*

In considering the sundry civil bill for 1882, an item (\$60,000) for cases, furniture, and fixtures required for the exhibition of the collections of geology, mineralogy, natural history, ethnology, and technology belonging to the United States was passed.

Mr. VAN H. MANNING. I do not want to arraign the gentleman from Georgia [Mr. Blount] \* \* \* but I call attention to the fact that we have just appropriated, under the leadership of the gentleman from Georgia, \$25,000 for the purpose of continuing ethnological researches among the North American Indians. The question of what races of the human family have inhabited this country in years gone by is interesting and affords intellectual pleasure, but that is all. The masses will hardly keep up with ethnological researches, and would receive no pecuniary benefit if they did. On a proposition involving

simply an intellectual feast for certain classes of men this bill gives \$25,000. \* \* \*

Mr. JAMES H. BLOUNT. The gentleman [Mr. Manning] started out by saying that he did not propose to attack me, but he calls attention to the appropriation in this bill for ethnology. —

Mr. MANNING. And I call attention also to the paragraph just passed, appropriating \$60,000 for displaying upon the shelves of the National Museum "the collections of geology, mineralogy, natural history, ethnology, and technology," which contribute nothing at all to anybody's material advancement.

Mr. BLOUNT. If I had my own way about it, ethnology and a good many other things would not be in this bill. I do not stand here as the representative of my individual views, but I have charge of the bill as the organ of the committee, and as such I propose to stand by their conclusions.

*March 3, 1881.*

Sundry civil act for 1882.

For cases, furniture, and fixtures required for the exhibition of the collections of geology, mineralogy, natural history, ethnology, and technology, belonging to the United States, \$60,000.

For expense of heating, lighting, telephonic and electrical service for the new Museum building, \$6,000.

(Stat., XXI, 449.)

For preservation and care of the collections of the surveying and exploring expeditions of the Government, \$55,000.

Armory building: For expense of watching, care, and storage of duplicate Government collections, and of property of the United States Fish Commission, \$2,500.

(Stat., XXI, 452.)

*March 3, 1881.*

Deficiency act for 1881, etc.

For additional amount required for running the relieving sewer of the National Museum building into the north B street sewer instead of into the Seventh street sewer, \$900.

For expense of transfer to and arrangement in the new National Museum building of the collections of the United States surveying and exploring expeditions, and of the specimens presented to the United States at the International Exhibition of 1876, \$10,000, being for the service of the current fiscal year.

(Stat., XXI, 418.)

#### LIBRARY OF CONGRESS—NEW BUILDING.

*December 1, 1879.*

In his message to Congress, the President (Rutherford B. Hayes) said:

To preserve and perpetuate the national literature should be among the foremost cares of the National Legislature. The library gathered at the Capitol still remains

unprovided with any suitable accommodations for its rapidly increasing stores. The magnitude and importance of the collection, increased as it is by the deposits made under the law of copyright, by domestic and foreign exchanges, and by the scientific library of the Smithsonian Institution, call for building accommodations which shall be at once adequate and fireproof. \* \* \* It is earnestly recommended as a measure which shall unite all suffrages and which should no longer be delayed.

## STANDARD WEIGHTS AND MEASURES.

*January 26, 1880—House.*

A joint resolution (H. 186) was introduced by Mr. THOMAS UPDEGRAFF. Referred.

*February 12, 1880—House.*

Mr. A. H. STEPHENS reported, with amendment. Passed.

*February 16, 1880—Senate.*

Referred to Committee on Finance.

*June 1, 1880—Senate.*

Reported with amendments.

*June 14, 1880—Senate.*

Passed.

*March 3, 1881.*

*Resolved, etc.,* That the Secretary of the Treasury be, and he is hereby, directed to cause a complete set of all the weights and measures adopted as standards to be delivered to the governor of each State in the Union, for the use of agricultural colleges in the States, respectively, which have received a grant of lands from the United States, and also one set of the same for the use of the Smithsonian Institution: *Provided* That the cost of each set shall not exceed \$200, and a sum sufficient to carry out the provisions of this resolution is hereby appropriated out of any money in the Treasury not otherwise appropriated.

(Stat., XXI, 521.)

## ETHNOLOGY—CONTRIBUTIONS.

*February 6, 1880—House.*

Mr. P. KNOTT submitted concurrent resolution:

*Resolved, etc.,* That there be printed at the Government Printing Office 5,000 copies each of volumes 4 and 5 of Contributions to North American Ethnology, uniform with the preceding volumes of the series and with the necessary illustrations, 2,000 copies of which shall be for the use of the House of Representatives, 1,000 for the use of the Senate, and 2,000 for distribution by the Smithsonian Institution.

Referred to Committee on Printing.

*February 9, 1880—Senate.*

Mr. H. L. DAWES introduced above resolution. Referred.

*February 19, 1880—Senate.*

Reported adversely and postponed.

*May 5, 1880—House.*

Mr. KNOTT's resolution passed amended.

*May 26, 1880—Senate.*

Passed as amended, to give 3,000 to House, 1,000 to Senate, and 1,000 to Smithsonian Institution.

*February 3, 1881—House.*

Mr. J. C. S. BLACKBURN offered concurrent resolution to print 6,000 each of volumes 6, 7, 8, 9, and 10 of Contributions to North American Ethnology, 3,000 for the House, 1,000 for Senate, and 2,000 for the Bureau of Ethnology.

Referred to Committee on Printing.

*February 28, 1881—House.*

Reported and adopted resolution amended, 3,030 for House, 1,000 for Senate, 1,970 for Bureau of Ethnology.

Mr. BENJAMIN WILSON. The object of the amendments is to increase the number to each member of the House, giving each member ten copies.

Mr. HARRY WHITE. Of what Congress will the members be entitled to copies?

Mr. WILSON. Those who are members of Congress at the time the report is printed will be entitled to copies.

Adopted.

*March 2, 1881—Senate.*

Passed.

#### ETHNOLOGY—REPORT.

*June 1, 1880—House.*

Mr. J. FLOYD KING submitted concurrent resolution to print 15,000 copies of the [first] Annual Report of the Director of the Bureau of Ethnology of the Smithsonian Institution, with the necessary illustrations, 7,000 for the House, 3,000 for the Senate, and 5,000 for distribution by the Smithsonian Institution.

Referred to Committee on Printing.

Mr. OTHO H. SINGLETON. I desire to state that this is one of the books which have been published from year to year.

*June 9, 1880—House.*

Passed.

*June 14, 1880—Senate.*

Passed.

*February 3, 1881—House.*

Mr. J. C. S. BLACKBURN offered concurrent resolution to print 15,000 copies of the second and third reports of the Bureau of Ethnology, 7,000 for the House, 3,000 for the Senate, and 5,000 for Bureau of Ethnology.

Referred to Committee on Printing.

*February 14, 1881—House.*

Reported amended, to give 7,272 copies to the House, 3,000 to the Senate, and 4,728 to the Bureau of Ethnology. Agreed to.

*February 19, 1881—Senate.*

Passed.

SMITHSON FUN

*March 5, 1880—Senate.*

Mr. H. G. DAVIS, from Committee on Appropriations, reported (S. 334) on bill (S. 1424), relative to placing under the direct supervision and control of Congress the appropriations known as permanent and indefinite.

A table showed the amount paid on the Smithsonian fund as interest: In 1877, \$39,060; 1878, \$40,841; 1879, \$39,060.

A letter from the Secretary of the Treasury, Mr. John Sherman, recommended excepting the Smithsonian trust from any act repealing the present laws.

REPORT OF SMITHSONIAN INSTITUTION.

*March 11, 1880—Senate.*

Report of the Smithsonian Institution for 1879 presented and ordered to be printed.

Mr. H. HAMLIN offered concurrent resolution to print 10,500 copies of the Report of the Smithsonian Institution for 1879, 1,000 for the Senate, 3,000 for the House of Representatives, 6,500 for the Smithsonian Institution.

Referred to Committee on Printing.

*March 22, 1880—Senate.*

Reported by Mr. H. B. ANTHONY, and passed.

*April 21, 1880—House.*

Mr. BENJAMIN WILSON. I rise to make a privileged report from the Committee on Printing. That committee has directed me to report back, with a recommendation that the House concur, a resolution of the Senate for printing copies of the report of the Smithsonian Institution.

The Clerk read as follows:

*Resolved by the Senate (the House of Representatives concurring), That 10,500 copies of the report of the Smithsonian Institution for the year 1879 be printed, 1,000 copies of which shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 6,500 for the use of the Smithsonian Institution.*

Mr. M. DUNNELL. I wish the gentleman from West Virginia [Mr. Wilson] would consent to an amendment. I would like to amend this resolution by striking out the word "ten" and inserting "fifteen," so as to provide for printing 15,500 copies of this report.

Mr. WILSON. This resolution proposes the number which has been printed every year for a long series of years, and which I believe has been found sufficient.

Mr. DUNNELL. This Smithsonian Report is a very valuable document. Members of the House are in the habit of getting seven or perhaps nine copies each. There are more than that number of public libraries in every Congressional district in the country. This is a report which

we may well print in larger number than is here proposed. I have already very many calls for it. After the document has been printed and stereotyped the expense of a few thousand additional copies is very trifling indeed. It costs more to print the reports which are sent around to members only to fill up their rooms than it would to print 5,000, yes, 10,000, additional copies of the Smithsonian Report.

I move to amend by striking out "ten" and inserting "fifteen," so as to provide for printing 15,500 copies and then the distribution can be arranged so as to give the House and the Senate this additional 5,000—3,500 to the House and 1,500 to the Senate.

Mr. WILSON. I do not feel authorized to accept the amendment for the reason — —

Mr. DUNNELL. Well, I understand that it is my right to move the amendment.

The SPEAKER (Mr. S. J. RANDALL). It is, if the gentleman from West Virginia yields for that purpose before demanding the previous question.

Mr. WILSON. I have not yielded except to hear the suggestion.

Mr. J. D. NEW. I rise to a question of order. I wish to inquire whether this matter is or is not now before the House in contravention of the call for the regular order made by the gentleman from Michigan.

The SPEAKER. Under the rules, the Committee on Printing has the right to report at any time touching matter——

Mr. NEW. I do not care to hear the rule read.

The SPEAKER. The gentleman from West Virginia has the right to report from the Committee on Printing under the rules; and because of that right he has been recognized.

Mr. DUNNELL. I presume that my motion is in order.

The SPEAKER. The gentleman from West Virginia is on the floor and states that he does not yield for the amendment.

Mr. DUNNELL. I did not ask him to yield. I addressed the Chair and made my motion to amend. The previous question has not been called.

The SPEAKER. Until an adverse vote by the House, the resolution is under the control of the gentleman from West Virginia who reports it.

Mr. DUNNELL. Does the Chair undertake to say that a resolution reported here is not open to amendment?

The SPEAKER. The Chair states that the gentleman reporting a measure has the right to test the sense of the House as to cutting off amendments by calling the previous question.

Mr. DUNNELL. The gentleman has not demanded the previous question.

The SPEAKER. The gentleman is still on the floor and declines to yield for an amendment.

Mr. DUNNELL. I was recognized to make a motion to amend; I have made such a motion, and I was heard upon that motion.

The SPEAKER. The gentleman from West Virginia states that he yielded for a suggestion, not for an amendment. The Chair uniformly recognizes the right of a member reporting a measure to retain its control until an adverse vote by the House.

Mr. DUNNELL. I can not understand why the gentleman from West Virginia should object to allowing an amendment.

The SPEAKER. That is another question—a question with which the Chair has nothing to do.

Mr. DUNNELL. The gentleman is not under instructions of the committee not to allow an amendment to be offered.

Mr. WILSON. I can not yield further. This subject has undergone investigation by the Committee on Printing in the Senate. The Senate passed it without objection. It has come to the House and gone to the Committee on Printing.

Mr. DUNNELL. Because it passed the Senate without objection is the reason why we should pass it without objection.

Mr. WILSON. I beg to say this amount has been recommended by the Department, and it is all that is asked. I demand the previous question.

Mr. DUNNELL. We are not legislating for the Smithsonian Institution, but we are legislating for the country at large. The Smithsonian is two-thirds of what we vote here. I hope the previous question will be voted down, so we may test this question in behalf of the people.

The demand for the previous question was not seconded.

Mr. DUNNELL. I move to strike out "ten thousand five hundred" and insert "fifteen thousand five hundred," and to provide that 5,000 copies be for the use of the Smithsonian Institution, 8,000 for the use of the House, and 2,500 for the Senate.

The SPEAKER. The resolution, if amended, will read as follows:

The Clerk read as follows:

*Resolved by the Senate (the House of Representatives concurring therein), That 15,500 copies of the report of the Smithsonian Institution for the year 1879 be printed; 10 copies of which shall be for the use of the Senate, 8,000 copies for the use of the House of Representatives, and 5,000 for the use of the Smithsonian Institution.*

Mr. RICHARD W. TOWNSHEND, of Illinois. What will be the additional cost?

Mr. DUNNELL. I am unable to say.

Mr. RICHARD W. TOWNSHEND, of Illinois. Would it be small?

Mr. DUNNELL. Very small; as the expense will only be for printing and paper, the plates being stereotyped.

Mr. JOHN H. REAGAN. What is the use of 5,000 for the Smithsonian Institution?

Mr. DUNNELL. Five thousand is enough for the use of the Smithsonian Institution. I demand the previous question on the concurrent resolution and amendment.

Adopted.

*April 22, 1880—Senate.*

Passed as amended by House.

*April 23, 1880—Senate.*

Mr. H. HAMLIN moved that the House of Representatives be requested to return to the Senate the resolution for printing the Smithsonian report for 1879, upon which he entered a motion to reconsider.

Agreed to.

*April 26, 1880—Senate.*

Mr. H. HAMLIN. On Friday I entered a motion to reconsider the vote by which this body concurred in the House amendment to the resolution ordering the printing of the Smithsonian report. I was very sure there was some misapprehension about it. I have conferred with the Senator from Maryland [Mr. W. P. Whyte], the chairman of the Committee on Printing, and he concurs with me. I hope therefore that the vote will be reconsidered, and the resolution referred to that committee. I will say action in both Houses was had without a reference.

The VICE-PRESIDENT (Mr. W. A. WHEELER). The Chair hears no objection to the request of the Senator from Maine. The vote will be regarded as reconsidered and the resolution will be referred to the Committee on Printing, with the amendment of the House of Representatives.

*April 27, 1880—Senate.*

House amendments nonconcurrent in.

*April 28, 1880—Senate.*

Conferees appointed.

*May 21, 1880—House.*

Mr. B. WILSON, from conference committee on resolution to print Smithsonian Report for 1879, submitted the following:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the resolution of the Senate to print extra copies of the Report of the Smithsonian Institution for the year 1879, having met, after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1 and 2, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with the following amendment: Strike out "eight" and insert "six;" and the House agree to the same.

the Senate recede from its disagreement to the amendment of the House agreed 4, and agree to the same with the following amendment: Strike out "five hundred" and insert "seven thousand;" and the House agree to the same.

B. WILSON,  
P. C. HAYES,  
*Managers on the part of the House.*  
M. W. RANSOM,  
H. B. ANTHONY,  
*Managers on the part of the Senate.*

MR. J. D. C. ATKINS. Will the gentleman from West Virginia give me explanation of this report?

MR. WILSON. There is a written explanation accompanying the report. I ask the Clerk to read it.  
The Clerk read as follows:

Committee on Printing present the following statement to accompany the report of the conference committee on the Senate concurrent resolution to print the report of the Smithsonian Institution for 1879:

The original resolution, with the House amendment thereto, made the following distribution:

	Copies.
Number ordered.....	15,500
For use of the Senate .....	2,500
For use of the House .....	8,000
For use of the Smithsonian Institution.....	5,000

The conference report, if adopted, will reduce the number of copies for the use of the House by 2,000, which will transfer to the use of the Smithsonian Institution, making the distribution as follows:

	Copies.
Number ordered.....	15,500
For use of the Senate .....	2,500
For use of the House .....	6,000
For use of the Smithsonian Institution.....	7,000

MR. ROGER Q. MILLS. I want to ask the gentleman from West Virginia [Mr. Wilson] why the committee give the Smithsonian Institution a larger number of these volumes than they give to the House of Representatives?

MR. WILSON. Because we are informed by officers of the Smithsonian Institution that a large number of these reports are sent abroad in exchange for rare scientific books, which can not be bought, and are not in the market; and the value to our libraries of the books which we thus receive is much greater than the cost of these reports.

MR. MARK H. DUNNELL. It will be noticed upon examining the conference report and the accompanying statement that by the adoption of this report we shall lose all the benefit of the additional number ordered by the House, while the Senate retains the full benefit of that report. The conference report, while giving to the Senate the whole number that the House agreed to, reduces our share by 2,000.

Mr. WILSON. It is very necessary that the Smithsonian Institution should have 7,000 copies of this document. As I have already stated, we are informed by an officer of the Institution that rare scientific books from Europe are received in exchange for these reports.

Mr. MILLS. Do we exchange one book for one?

Mr. WILSON. Yes, sir; one for one.

Mr. ATKINS. How many of these reports will the House receive?

Mr. WILSON. Six thousand.

Mr. ATKINS. And the Senate how many?

Mr. WILSON. Twenty-five hundred.

Mr. ATKINS. Is that in accordance with the numerical proportion of the two bodies?

Mr. DUNNELL. My objection to the report of the committee of conference is that the House conferees have conceded everything to the Senate and reserved nothing to the House. They have given up for the benefit of the Smithsonian Institution the 2,000 copies which we added to our proportion, while the Senate receives the full number that we originally agreed on. There is no proper proportion between the number granted to the House and the number granted to the Senate.

Mr. WILSON. I wish to say that the present Committee on Printing has broken through the rule heretofore established; and under the action of the committee the members of the House will get a very much larger number of reports than they have received heretofore.

Mr. DUNNELL. Certainly not by this report.

Mr. WILSON. That is the best conclusion we can come to.

Mr. ALEXANDER H. COFFROTH. Then reject it.

The House divided; and there were ayes, 47; noes, 45.

So the conference report was adopted.

*May 22, 1880—Senate.*

Conference report adopted.

*January 10, 1881—House.*

Mr. M. P. O'CONNOR introduced joint resolution (H. 364):

*Resolved, etc.,* That 3,000 copies of each of the reports of the Smithsonian Institution, together with the documentary history and journals and life and writings of James Smithson, with illustrations, be printed from the stereotype plates now in the Congressional Printing Office, of which 1,500 shall be for the use of the House, 500 for the use of the Senate, and 1,000 for the use of the Smithsonian Institution.

Referred to Committee on Printing.

*January 28, 1881—House.*

Mr. PHILIP C. HAYES, from the Committee on Printing, reported with amendments joint resolution (H. 364) for printing Smithsonian reports:

*Resolved, etc.,* That 3,000 copies of each of the reports of the Smithsonian Institution, together with the documentary history and journals and life and writings of

Smithson, with illustrations, be printed from the stereotype plates now in the National Printing Office, of which 1,500 shall be for the use of the House, 500 for the Senate, and 1,000 for the Smithsonian Institution.

amendments were to strike out "documentary history and laws and;" after the words "five hundred" to insert "and fifteen;" strike out "one thousand" and insert "nine hundred and five."

passed.

January 1, 1881—*Senate*.

Reported adversely and postponed indefinitely.

February 20, 1881—*Senate*.

ROBERT E. WITHERS submitted concurrent resolution to print copies of the report of the Smithsonian Institution for 1880, for the Senate, 6,000 for the House, and 7,000 for the Smithsonian Institution.

Referred to Committee on Printing.

March 25, 1881—*Senate*.

Reported and amended to print 15,560 copies, 2,500 for Senate, for the House, and 7,000 for the Smithsonian Institution. Passed.

March 3, 1881—*House*.

Concurrent resolution adopted.

#### INTERNATIONAL EXCHANGES.

January 3, 1880—*Senate*.

THOMAS F. BAYARD introduced a joint resolution (S. 93) to authorize Ainsworth R. Spofford, Librarian of Congress, to visit and examine European public libraries:

Resolved, *etc.*, That for the purpose of enabling Ainsworth R. Spofford, Librarian of Congress, to make arrangements for the more complete interchange of publications between the Government of the United States and those of foreign nations, as well as to study the systems and methods under which public libraries in Europe are conducted and maintained, the sum of \$2,500 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses of Ainsworth R. Spofford in a visit to the libraries of Europe during the summer session of Congress, for the purposes aforesaid, and that he make a report to Congress at its next session, embodying such recommendations in regard to the Library of Congress as he may deem proper.

VICE-PRESIDENT (Mr. W. A. WHEELER). The joint resolution is referred to the Committee on the Library.

BAYARD. Mr. President, I desire, if I may be permitted, before the reference of the joint resolution to the Committee on the Library, to state my reasons for its introduction. It is wholly with a view to public service.

The Congress of the United States, by laws of remote date, and last act of July 25, 1868, provided for the delivery by the Congress-

sional Printer of 50 copies of all books and other publications by the Government of the United States for the purpose of exchange with foreign governments for similar public documents. The system, however, for want of oversight and attention, has worked very imperfectly. The foreign governments with whom the exchange list has been formed are some 26 in number, and of those the most voluminous receipts by the Library of Congress are so utterly irregular as to destroy any value arising from their continuity and completeness.

The Government of Great Britain sends but few, or none, of its publications to our Library, and that is simply owing to the fact that the details and machinery for making such exchange can not be efficiently managed through the medium of mere epistolary correspondence. It will require the active supervision of an intelligent person to establish a practical system of proper exchange of these public documents in the manner designed by Congress, and it would be exceedingly useful and valuable to our Library.

In addition to the matter of the interchange of governmental publications, there have been great improvements of which we should avail ourselves in the construction, supervision, classification, and arrangement of European libraries within the last twenty-five years. The very preservation of the books themselves, their methods of classification, arrangement, and cataloguing, are all matters in which great advance has been made, the benefit of which I desire should accrue to our own Library.

The erection of a national library is every day becoming a matter of greater necessity. There is in this country no one whose intelligence and capacity to inform Congress properly upon this subject exceeds that of the modest, accomplished, and worthy gentleman who fills the post of Librarian so acceptably to all of those who have occasion to need his services or who are at all competent to judge of their value.

It is therefore, in my opinion, exceedingly proper and highly expedient that a visit to and an inspection of the public libraries of Europe should be made in behalf of the American people and their Library as soon as may be.

As I said, there is no one fitter for this mission, nor who would more creditably represent the American Government, than the gentleman named in this resolution. I may say, also, as a matter which is not without weight with me, I think it would not only be a duty to him, but a well-earned pleasure and delight. To make such a tour of inspection would be to Mr. Spofford a labor of love as well as the performance of a most important duty—a season of relaxation and release from very confining labors, which his industry and devotion to public service have heretofore rendered impossible.

It is proper to add that, except so far as inquiry made by me into

irregular condition of our exchanges of governmental publications, those of foreign countries, Mr. Spofford has had no intimation whatever of the introduction of this joint resolution or of my intention to offer it. It has proceeded entirely on my own motion, after a comparison of views with several other gentlemen.

I make these remarks trusting that the proposition may commend itself to the favorable consideration of the Committee on the Library of the Senate and to obtain their ready approval.

Mr. G. F. EDMUNDS. I should like to say a word about the matter of exchanges. I believe that the system of exchanges is now regulated by law, and is consolidated in practice in the hands of the Secretary of the Smithsonian Institution, where, if I am correctly advised (not in reference to this question of course, but if my information and knowledge about it in general is correct), the system is as perfect and systematic as any such system can ever be. The United States exchange, under authority of law and through the Smithsonian Institution, with every foreign government that is willing to reciprocate. Every single public document that is printed under the authority of Congress or at public expense, every valuable and important document that is printed in the Departments out of the appropriations for expenditures of those Departments, and which are not printed by order of Congress in the direct sense so as to be distributed by Senators and Representatives, or of which Senators and Representatives, for public interests, can have even a single copy for their own inspection, is furnished to every foreign government regularly, systematically, at stated periods, as fast as they come forth, in just the degree that the foreign government is willing to reciprocate by furnishing the United States with its own documents and publications. That system of international exchange produces a stream, and the only stream that regularly and systematically could be produced to flow into the Library of Congress.

In addition to that, the Smithsonian Institution is authorized by its constitution under the acts of Congress to exchange publications of any kind that it makes itself or comes in possession of with foreign and domestic literary societies, colleges, institutions, in the United States and in foreign countries. That sends out from our workshop of intellect and progress the whole product of the nation, so to speak, and it gets back from every quarter of the globe the similar products of intellect and activity, and discovery and progress, and social science of all civilized peoples.

I do not imagine that as far as the mere subject of inspecting and arranging international exchanges of books is concerned an expedition by anybody to a foreign country would be of any great service. In respect of the other part of it, the subject of inspecting libraries, classification, arrangement, and completing sets, and all that sort of

thing, there is very great force in what the Senator from Delaware has said; and I certainly should unite with him in all that he has said in respect of the capacity and worth of the gentleman named in the resolution.

Mr. H. HAMLIN. I wish to say one word on this subject before the joint resolution is referred. I wish to corroborate what has been so well said by the Senator from Vermont in relation to the manner in which these exchanges are effected by the Smithsonian Institution. I am inclined to agree with the Senator that very little can be done in that direction, and if anything can be done it should be by the Secretary of that institution. If this resolution is looking in the future to transfer the practical administration of that law from the Smithsonian Institution, where it is so well done, to the Library of Congress, where it can not be as well done, I certainly hope it will not receive the consideration of this body. I have great fears that this is an entering wedge to effect that change, and it would be a change which I think in its results would be injurious and disastrous.

Referred to Committee on the Library.

#### FRENCH EXCHANGES.

December 10, 1880—House.

DEPARTMENT OF STATE,  
Washington, December 7, 1880.

SIR: I have the honor to transmit herewith for your information a translation of a letter, dated the 22d of July last, from Mr. Léon Gambetta, President of the Chamber of Deputies in France, to the American minister at Paris, in relation to the establishment of an exchange of documents between the Chamber of Deputies of the French Republic and the corresponding legislative body in this country. In accordance with Mr. Gambetta's request, I inclose a letter addressed to the President of the House of Representatives of the American Republic, and I likewise forward a package of documents which accompanied the letter just named.

I have the honor to be, sir, your obedient servant,

WM. M. EVARTS.

HON. SAMUEL J. RANDALL,  
*Speaker of the House of Representatives.*

[Inclosures.]

1. Mr. Léon Gambetta to the Minister of the United States in France, dated July 22, 1880—translation.
  2. A sealed letter addressed "Monsieur le Président de la Chambre des Représentatives de la République Américaine."
- Accompaniment: A package of documents.

[Translation.]

CHAMBER OF DEPUTIES (PRÉSIDENTE),  
Paris, July 22, 1880.

SIR: Exchanges of parliamentary documents have for a long time been organized between the political assemblies of most of the European States.

I believe it would be useful to establish analogous exchanges between the Chamber of Deputies of the French Republic and that of the American Republic. In con-

ice I have the honor to address to you a case containing what has been published by the French Parliament during the session of 1880.

would be obliged to you if you would please forward this case, together with the enclosed letter, to the President of House of Representatives of the American Republic.

Accept, Mr. Minister, the assurances of my high consideration,

LÉON GAMBETTA,

*President of the Chamber of Deputies.*

MINISTER OF THE UNITED STATES IN FRANCE.

CHAMBRE DES DÉPUTÉS (PRÉSIDENTE),

*Paris, le 20 juillet 1880.*

lereau des publications faites pendant le cours de la session ordinaire de 1880, et par la Chambre des Députés de la République Française.

ies 1, 2, 3, 4, 5, 6, 7, 8, 9 des annales de 1879.

ferred to Committee on Foreign Affairs.

y 8, 1881—House.

letter from the Secretary of State, transmitting a letter from the Secretary of the Smithsonian Institution, relative to the interchange of documents between the United States Government and the Republic of France.

ferred to Committee on Foreign Affairs.

INTERNATIONAL EXCHANGES—ESTIMATES.

19, 1879—House.

Estimates for 1880.

Library of Congress: For expenses of exchanging public documents for the publications of foreign governments, \$1,000.

ber 1, 1879—House.

Estimates for 1881.

War Department: Transportation of reports and maps to foreign countries through the Smithsonian Institution, \$500.

E.—Publications as donations or exchanges sent to foreign countries were transported free of charge through the Smithsonian Institution. On the 1st of January, 1879, the Institution issued a circular giving notice that a charge for such transportation would thereafter be made at the rate of 5 cents per pound. The Smithsonian Institution is the most convenient and advantageous medium for transmitting publications to institutions, scientists, etc., abroad, as donations or exchanges. In nearly all cases the books and maps exceed the weight and dimensions allowed for foreign mails. Express charges are greatly in excess of 5 cents per pound.

INTERNATIONAL EXCHANGES—APPROPRIATIONS.

1, 1879.

Legislative, executive, and judicial act for 1880.

Library of Congress: For expenses of exchanging public documents for the publications of foreign governments, \$1,000.

(at., XXI, 23.)

*May 3, 1880.*

Naval service act for 1881.

Naval Observatory: For payment to the Smithsonian Institution for freight on Observatory publications for 1880, to be shipped in 1880, \$236.25, \* \* \* in 1881, \$236.25.

(Stat., XXI, 84.)

*June 15, 1880.*

Legislative, executive, and judicial act for 1881.

Library of Congress: For expenses of exchanging public documents for the publications of foreign governments, \$1,000.

(Stat., XXI, 215.)

*June 16, 1880.*

Sundry civil act for 1881.

War Department: For transportation of reports and maps to foreign countries, through the Smithsonian Institution, \$500.

(Stat., XXI, 269.)

*February 23, 1881.*

Naval service act for 1881.

Naval Observatory: For payment to the Smithsonian Institution for freight on Observatory publications to be shipped to foreign countries during the fiscal year 1882, \$336.25.

(Stat., XXI, 333.)

*March 3, 1881.*

Legislative, executive, and judicial act for 1882.

Library of Congress: For expenses of exchanging public documents for the publications of foreign governments, \$1,000.

(Stat., XXI, 390.)

*March 3, 1881.*

Sundry civil act for 1882.

War Department: For transportation of reports and maps to foreign countries through the Smithsonian Institution, \$500.

(Stat., XXI, 447.)

For the expense of exchanging literary and scientific productions with all nations by the Smithsonian Institution, \$3,000.

(Stat., XXI, 452.)

#### THE SMITHSONIAN INSTITUTION A CORPORATION?

*March 24, 1880—Senate.*

In debate on bill to establish a national educational association (S. 1282) Mr. MATT. H. CARPENTER, of Wisconsin, said:

Indeed, Mr. President, in every view of it that I can take, the bill in the first place is unconstitutional, totally beyond our power to pass, and in the next place it is a burlesque upon the charter of a corporation.

Mr. GEORGE F. HOAR. Will the Senator from Wisconsin allow me to ask him whether the act founding the Smithsonian Institution is unconstitutional?

Mr. CARPENTER. I have not any particular opinion on that subject, never having thought of it or investigated it.

Mr. HOAR. It occurred to me that possibly in forming the opinion he has now expressed the Senator might have considered that question.

Mr. CARPENTER. It is a very easy thing to justify any action that Congress wants to take, if it is a sufficient justification to say that Congress has done such a thing. \* \* \* As to the constitutionality of the bill in regard to the Smithsonian Institution I have nothing to say. I have had no connection with that subject; I never thought of it and never examined it, and have no opinion to express upon it.

ETHNOLOGY—ESTIMATES.

*April 17, 1880—House.*

The SPEAKER pro tempore laid before the House a letter from the Secretary of the Smithsonian Institution (Misc. Doc. 35):

SMITHSONIAN INSTITUTION,  
*Washington, D. C., April 15, 1880.*

SIR: I have the honor to transmit herewith a statement by Maj. J. W. Powell relative to the subject of investigations into the past and present condition of the Indian tribes of the United States—a work in which he has been engaged during the past ten years, and commenced under the direction of the Smithsonian Institution in accordance with an enactment of Congress. Subsequently it was continued by Major Powell as director of the United States geographical and geological survey of the Rocky Mountain region, the Smithsonian Institution assisting by placing in his hands all the materials collected by its collaborators in this branch of science.

By act of Congress approved March 3, 1879, the work was again placed under the control of the Smithsonian Institution and Major Powell charged with its immediate supervision for the purpose of continuing the systematic investigations he had previously organized.

From the first the researches in question have been carried on with vigor, and the results already obtained, as shown in numerous publications and the large collections deposited in the National Museum, are of great scientific and general interest.

The plan proposed by Major Powell provides for a systematic and complete account of the aboriginal inhabitants of this country—a work of importance from the fact that at no distant time the opportunity will disappear, as the Indian tribes in their primitive condition are rapidly passing away before the advance of civilization.

A further argument for immediate action is furnished by the fact that exhaustive researches are now being prosecuted within our own territory by foreign nations. Collectors, amply provided with means, have been engaged for several years in securing objects from the modern tribes and in disinterring the contents of aboriginal graves and mounds, the results being carried away—almost in shiploads—to foreign museums. An immense collection from the coasts of California, Oregon, and Alaska has recently been transmitted to a government museum in Paris by an agent sent to the United States for the purpose. Another French expedition will soon be under way for the almost virgin archæological fields of Arizona and New Mexico.

The retention by a country of its own historical monuments has been considered of such moment that laws have been passed by several foreign governments prohibiting

the exportation of antiquities. Such laws prevail in Denmark, Greece, Mexico, and elsewhere; and while it may not be practicable or desirable for the United States to follow their example, we may at least anticipate foreigners by collecting such objects and transferring them to the National Museum in Washington. Unless some such action be taken at an early day it will be necessary to depend upon European museums for the material for investigating the antiquities of the United States.

For the foregoing reasons I would respectfully urge the careful consideration of Major Powell's suggestions, and that such appropriations be made as Congress in its wisdom may think proper.

I am, sir, very respectfully, your obedient servant,

SPENCER F. BAIRD, *Secretary*.

Hon. SAMUEL J. RANDALL,

*Speaker of the House of Representatives.*

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SMITHSONIAN INSTITUTION,  
BUREAU OF ETHNOLOGY (J. W. POWELL IN CHARGE),  
Washington, D. C., April 2, 1880.

DEAR SIR: Ethnographic researches among the North American Indians have been carried on by myself and under my direction for the last ten years. During the second session of the Forty-fifth Congress the various geographical and geological surveys were consolidated and reorganized by the establishment of a geological bureau in the Interior Department. In the act effecting this change it was provided that the ethnographic researches previously conducted by myself should be continued under the direction of the Smithsonian Institution, and an appropriation was made therefor.

These ethnographic studies have heretofore embraced the following subjects:

1. That portion of somatology relating to the skeleton, and especially to the crania, of the North American Indians. In this department large collections have been made.

2. Philology. Under this head a great number of the languages of the North American Indians have been studied, and a tentative classification of the linguistic stocks has been made.

In connection with this work a map of the United States has been prepared, exhibiting the original homes of the several linguistic families.

Much has also been done in the study of the sign language of the Indians, and large collections of pictographs have been made.

3. Mythology. A very large collection has been made of the myths of the various tribes of Indians scattered throughout the United States.

4. Sociology. The line of investigation originally pursued by Mr. Lewis H. Morgan, the results of which were published by the Smithsonian Institution, has been continued under my direction, and a large body of material relating to the organization of the family, clan, tribe, and confederacy among our North American Indians has been collected.

5. Habits and customs. In this field also much has been done, especially in relation to their mortuary customs and religious observances.

6. Technology. In this field extensive investigations have been pursued relating especially to the pristine dwellings of the Indians, beginning in caves and lodges made of brush and bark and culminating in the pueblo structure of the southwestern portion of the United States. This rude architecture has been studied with special reference to the domestic life of the Indians. Their arts, as exhibited in their stone implements, their pottery, their bows and arrows, their clothing, ornaments, etc., have been studied, and a large collection made for the National Museum.

7. Archæology. Much has been done in this branch of investigation, especially

where the works of extinct races are buried in great profusion. In Arizona, New Mexico, Colorado, Utah, and a part of Wyoming ruins of ancient cities are also found in great abundance. The researches in this field have been carried to a great extent.

Indian affairs, including treaties, cessions of land by the Indians, progress of the Indians in industrial arts, and especially the efforts to induce them to become agriculturists and manufacturers, the distribution of land in severalty, and the efforts made to establish schools among the Indians where for their education.

A number of persons, including missionaries and teachers among the Indians, army officers, scholars connected with the colleges of the United States, are assisting in this general work.

As of settlement the western portion of the United States is being peopled by people from the eastern portion, so that at present there is no valley inhabited by white men. Rapidly the Indians are being gathered together where their original habits and customs disappear, their languages are becoming extinct or lost, and they are abandoning their savagery and barbarism for civilization. If the ethnology of our Indians is ever to receive proper study and treatment the work must be done at once.

The facts briefly set forth above I would respectfully request that you approve this statement, with an estimate for "fifty thousand dollars for the purpose of continuing ethnologic researches among the North American Indians, under the direction of the Secretary of the Smithsonian Institution," and that you meet with your approval.

In respect, your obedient servant,

J. W. POWELL.

Very respectfully,  
J. W. Powell,  
Secretary of the Smithsonian Institution.

## Committee on Appropriations.

—House.

Estimates for 1882.

For the purpose of continuing ethnological researches among the North American Indians, under the direction of the Secretary of the Smithsonian Institution, \$50,000.

### ETHNOLOGY—APPROPRIATIONS.

House.

During the deficiency bill, Mr. JOHN A. McMAHON said: An amendment to appropriate \$50,000 for ethnological researches among the North American Indians, under the direction of the Secretary of the Smithsonian Institution, recommended by the committee on the deficiency bill, was reported by Mr. Baird. I expect it would have been put in by the committee if the committee had been asked to do so. I think we have prepared this bill the request was not made and the need of it were not understood. The committee unanimously concurred in it.

House.

A civil bill for 1881 under consideration—

For the purpose of continuing ethnological researches among the North American Indians, under the direction of the Secretary of the Smithsonian Institution, \$20,000.

Mr. A. E. STEVENSON. I move to amend the paragraph just read by striking out "\$20,000" and inserting "\$40,000, to be immediately available."

Mr. Chairman. I have offered the amendment increasing this appropriation for the sole reason that the amount proposed by the committee is wholly inadequate. The letters which I will have printed with my remarks will show that even a larger amount than I have proposed is considered necessary to the efficient prosecution of this work.

During the last few years Major Powell has made many valuable contributions to our stock of information pertaining to the North American Indians. The object of the present appropriation is to enable him efficiently to continue the work. The Secretary of the Smithsonian Institution, in a recent official communication to the Speaker of the House, says:

From the first the researches in question have been carried on with vigor, and the results already obtained, as shown in numerous publications and the large collections deposited in the National Museum, are of great scientific and general interest.

Mr. Chairman, the plan proposed by Major Powell, and which, with his well-known energy and ability, will be successfully carried out, embraces a discussion of the manners and customs of the North American Indians, of their religion and language. It will likewise embrace, in so far as it is possible to trace it, a history of each tribe, with its dealings with the white race to the present time.

Under his supervision catalogues have been made of all that has been written touching the history, literature, religion, and customs of this race. His atlas shows the location of the various tribes when the white race first took possession of this continent, the sites of the ancient villages, the successive cessions of lands to the whites, the various removals of the tribes, whether compulsory or voluntary, the localities where agricultural pursuits have been most extensively followed and schools for them have been established.

Another important service has been the collection of the necessary data, including copies of all reports, treaties, and other official documents, with a view to the preparation of a legislative history of the Indian race. The interest and value of such a work will be great.

Much attention has been given by Major Powell to the study of the different Indian languages. This includes a study of their various sign and picture languages. Much curious and interesting information of this character has already been accumulated. In addition to this the discussion of the unwritten laws and customs of this people, the ties which hold them together in barbarous or semicivilized relations, of their habits, arts of war, marriage, etc., all these can not fail to be both interesting and instructive to the more favored race which now holds undisputed sway over this continent.

airman, few of us fully realize the immense material there is western confines of our continent for the study of primitive ere are to be found the pueblos, mounds, and ruins, all tell- ce which once occupied portions of this continent. Many of quities have been removed to foreign countries as valuable to their libraries and museums. Professor Baird, in the hich I have referred, says:

amply provided with means have been engaged for several years in ects from the modern tribes and in disinterring the contents of aboriginal mounds, the results being carried away almost in shiploads to foreign An immense collection from the coasts of California, Oregon, and Alaska been transmitted to a government museum in Paris by an agent sent to States for that purpose. Another French expedition will soon be under almost virgin archæological fields of Arizona and New Mexico.

airman, we will all agree with the distinguished Secretary Government should retain and preserve the historical monu- our aborigines. Great services in this as well as in other its of learning have been rendered by Major Powell and his The small appropriation asked will enable them to make er contributions to our history, contributions of great inter- present, but of untold value to coming generations.

r, is one of the many ways in which can be executed the will nerous founder of the Smithsonian Institution by which he our country the magnificent bequest for "the increase and of useful knowledge among mankind."

\* \* \* \* \*

mmittee of the Whole resumed its session.

estion was upon the amendment of Mr. Stevenson to amend e in relation to ethnological researches among the North Indians by increasing the appropriation from \$20,000 to

H. BLOUNT. I have no doubt that this is a very interesting nd I should have been very glad to have listened longer to l from Illinois [Mr. Stevenson]. I have only this to say, how- ese investigations have been going on for a series of years uthority of law, for ten years, and their expenses have to a ent been paid out of the appropriations for surveys, which I an improper diversion of that fund. Nevertheless, the ions have been in progress for a long time.

s no estimate at all for this purpose. There was a communi- m the Secretary of the Smithsonian Institution asking for an tion, and the majority of the Committee on Appropriations t best to fix the sum at \$20,000, and they have so reported. y friend from Illinois and the Committee of the Whole will t with that sum, which is a larger amount than has ever here- en appropriated for this purpose.

Mr. C. E. HOOKER. I think the amendment offered by the gentleman from Illinois [Mr. Stevenson] ought to receive the favorable consideration of this committee. If the argument made against it by the gentleman from Georgia [Mr. Blount] is made on good and sufficient grounds, then he and his committee should not have reported anything for this purpose. If, as he asserts, there has been a malapplication of the money heretofore appropriated for surveys during the last ten years, then clearly the Committee on Appropriations have committed a great error. If his position is at all correct that this great and important work should be abandoned——

Mr. BLOUNT. The gentleman certainly misapprehends me.

Mr. HOOKER. I understood the gentleman to say that the money appropriated for the last ten years for surveys had been misapplied to this purpose, and that there was no necessity for it at all. I say to the gentleman if his premises are correct his conclusions are erroneous.

Mr. BLOUNT. I have no doubt the gentleman is right about that.

Mr. HOOKER. I send to the Clerk's desk to be read a letter on this subject from the Secretary of the Smithsonian Institution. [See Estimates, April 17, 1880.]

\* \* \* \* \*

Mr. BLOUNT. I move that the House again resolve itself into Committee of the Whole to resume the consideration of the sundry civil appropriation bill.

Agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. J. T. HARRIS, of Virginia, in the chair), and resumed the consideration of the sundry civil bill for 1881.

Mr. BLOUNT. I have before me the sundry civil appropriation act of 1879, which contains an appropriation in this language:

For the completion of the reports of the Geographical and Geological Survey of the Rocky Mountain Region, with the necessary maps and illustrations, \$20,000; to be immediately available.

This is the sort of appropriation under which this work has been going on. When an effort was made to abolish these surveys, the Committee on Appropriations recommended and Congress passed in the sundry civil appropriation act of 1879 the following provision:

For completing and preparing for publication the Contributions to North American Ethnology, under the Smithsonian Institution, \$20,000: *Provided*, That all the archives, records, and materials relating to the Indians of North America, collected by the Geographical and Geological Survey of the Rocky Mountain Region, shall be turned over to the Smithsonian Institution, that the work may be completed and prepared for publication under its direction: *Provided*, That it shall meet the approval of the Secretary of the Interior and of the Secretary of the Smithsonian Institution.

This, in the past, has been the language of the appropriations for the surveys of which Major Powell has had charge. Yet these ethno-

cal investigations have been going on all the while for the last ten years. I think that an appropriation of \$20,000 is quite ample. The question being taken on the amendment of Mr. Stevenson, the yeas were—ayes 37, noes 44.

Mr. STEVENSON. I make the point that no quorum has voted. Tellers were ordered; and Mr. Blount and Mr. Stevenson were appointed.

The committee divided; and the tellers reported—ayes 73, noes 78. Amendment not agreed to.

16, 1880.

Sundry civil act for 1881.

For the purpose of continuing ethnologic researches among the North American Indians under the direction of the Secretary of the Smithsonian Institution, \$20,000.

(Stat., XXI, 275.)

January 24, 1881—House.

Considering the sundry civil bill for 1882 (H. 7203); the Clerk read the following:

For the purpose of continuing ethnological researches among the North American Indians, under the direction of the Secretary of the Smithsonian Institution, \$25,000.

Mr. J. WARREN KEIFER. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of line 493, add the following: "Five thousand dollars of which shall be expended in continuing archæological investigations relating to mound-builders, prehistoric mounds."

Mr. KEIFER. This amendment does not increase the appropriation.

Mr. JAMES H. BLOUNT. I submit it is new legislation.

Mr. KEIFER. It simply gives directions how a portion of the appropriation shall be spent.

Mr. BLOUNT. I raise the point of order.

The CHAIRMAN. The Chair would like the gentleman from Georgia to show wherein the amendment changes existing law.

Mr. BLOUNT. It provides for a new line of inquiry not hitherto undertaken by the Government. This is a continuing investigation which has been going on for several years for the purpose stated in the paragraph. The proposition of the gentleman from Ohio is to divert part of this fund to other investigations not provided for and which have not been commenced.

Mr. KEIFER. The researches and investigations that the proposed amendment alludes to have been going on for a number of years in a large way under the appropriations made by Congress. A portion of the money that has been appropriated from time to time for ethnological researches has been devoted to investigations of the character indicated by the proposed amendment. Indeed, the amendment itself

proposes only to dedicate a certain sum of money to that special investigation and to continue that investigation. Last year a portion, a very small portion, of the money thus appropriated was used in this way. In no sense does the amendment change existing law. It does not conflict with existing law in any sense. It is simply a dedication of a portion of this appropriation. I trust the gentleman from Georgia will not press his point of order.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again read.

The CHAIRMAN. The Chair does not think this changes existing law, but is in the line of investigation authorized by law. The Chair therefore overrules the point of order.

Mr. KEIFER. The point of order having been overruled, let me say a word now on the amendment. It might well perhaps be left ordinarily to the discretion of the Secretary of the Smithsonian Institution to determine how this \$25,000 of money should be expended. But that leaves him possibly exposed to trouble with various persons who are employed in making these very important investigations. Last year we gave him but \$20,000 for these researches, while this year it is proposed to give \$25,000. The amount appropriated last year was not sufficient and therefore this particular matter of investigation was largely neglected.

I want to call the attention of the committee to the fact that these investigations have to be made in the settled portions of the country east mainly of the Mississippi River, largely in the Mississippi Valley, but not confined to that.

There are places where these investigations should go on in North Carolina especially, and in Georgia. In Tennessee there is a very interesting field for investigation. Arkansas and Texas are full of these mounds, and they are found in the Ohio Valley. Being in the settled portion of the country, they are disappearing.

Of such importance are they regarded in England and France that those countries are sending here scientific bodies of men to investigate our mounds, these evidences of prehistoric races. They are devoting hundreds of thousands of dollars to do the very thing that we ought to have done long ago. This small sum of money can be used very advantageously during the coming summer in making surveys and investigations, and finally completing a work that has already been commenced that is of very great importance. I would like to have added a great many things that I think are of vast importance on this subject, but I have not time. I hope the committee will not object to giving a portion of the appropriation this special direction.

Mr. BLOUNT. I think we had better leave this fund where it has been all the while—under the direction of the Smithsonian Institution—leaving the special directions given to it discretionary. There may be investigations more important than the one my friend from Ohio sees

o direct the attention of the committee to, and I think we had better leave this as it is. I care very little about it. But it does seem to that the diversion of the fund in this way tends to introduce new objects of inquiry, very many of which may be useless.

Mr. JOHN D. C. ATKINS. I wish to make a single remark that in my judgment the application of this fund can be made already by the Smithsonian Institution in the way the gentleman from Ohio proposes, without the adoption of his amendment.

Mr. BLOUNT. So the gentleman from Ohio claimed himself, and I have said it would be better to leave it to the discretion of the Institution.

Mr. KEIFER. I admit it can be done; but it may not be done. And the gentleman from Tennessee [Mr. Atkins] will admit that in his own district there are some very interesting investigations that should be made, or the time will soon come when they can not be made.

Mr. ATKINS. I do not want to be understood as opposing it at all. The question was taken upon the amendment offered by Mr. Keifer, and on a division there were: ayes, 51; noes, 29. No further counting called for, the amendment was agreed to.

Mr. JAMES B. WEAVER. I give notice that I shall ask for a separate vote on this amendment in the House.

The CHAIRMAN. That is the gentleman's right.

March 3, 1881.

Sundry civil act for 1882.

For the purpose of continuing ethnological researches among the North American Indians, under the direction of the Secretary of the Smithsonian Institution, \$25,000; \$5,000 of which shall be expended on continuing archæological investigations relating to mound-builders and prehistoric mounds, and be available immediately.

(Stat. XXI, 443.)

BESSELS'S SCIENTIFIC REPORT.

24, 1880—Senate.

Communication from Spencer F. Baird, Secretary of the Smithsonian Institution (of May 22, 1880) transmitting a communication from Dr. Emil Bessels, chief of the scientific department of the Arctic expedition under Capt. C. F. Hall:

SMITHSONIAN INSTITUTION,  
Washington, D. C., May 22, 1880.

Sir: I have the honor to inclose herewith a communication from Dr. Emil Bessels, chief of the scientific department of the Arctic expedition under the late Capt. C. F. Hall, and would earnestly recommend that the appropriation suggested, of \$8,000, for completing the preparation of the scientific results of said expedition, be made by Congress.

Very respectfully, your obedient servant,

SPENCER F. BAIRD, *Secretary.*

SEN. A. G. THURMAN,  
*Acting President United States Senate.*

H. Doc. 732—55

WASHINGTON, D. C., *May 20, 1880.*

SIR: I beg to inform you that it will not be possible to complete the report on the scientific results of the United States Arctic Expedition, under the late Capt. C. F. Hall, without assistance from Congress.

The reason for a request for assistance at this time lies in the fact that of the \$15,000 appropriated in 1875, at the instance of the late Professor Henry, and to be expended under direction of the Secretary of the Navy, only about \$3,000 has ever been available for the purpose, the remainder having been used for purposes not in keeping with those for which the money was granted.

On drafts being made upon the Navy Department, after about \$3,000 had been spent, Professor Henry was informed that there was no more money available.

At the time this information was received the preparation of the volumes in question was being vigorously prosecuted. Contracts were outstanding with engravers, lithographers, and others to the amount of about \$4,000, for which sum Professor Henry, as he informed the Navy Department, held himself personally responsible. As it was hardly to be expected that the artists making the plates to illustrate the volumes should be sufficiently interested in the work to induce them to await indefinite payment of their respective bills, and being repeatedly urged to settle the same, I felt in honor bound to satisfy these demands; and the more especially so since Professor Henry had assumed personal responsibility for obligations incurred on account of the work. I therefore at once paid from my private means all outstanding indebtedness.

As at present there remain two volumes of the scientific results unpublished, viz, Volumes II and III, it is estimated that \$8,000 will be required to complete the series and fulfill the purpose contemplated by Congress when making the appropriation in 1875.

Should Congress think proper to make the appropriation desired, I trust the money will be placed under the control of the Smithsonian Institution.

I have the honor to be, very respectfully, your obedient servant,

EMIL BESSELS,

*Chief of Scientific Department, United States Arctic Expedition.*

Prof. S. F. BAIRD,

*Secretary Smithsonian Institution.*

Referred to Committee on Appropriations.

*June 16, 1880.*

Deficiency act for 1880, etc.

For completing the preparation, with the necessary illustrations, of the report of Dr. Emil Bessels, of the scientific results of the Arctic Expedition under the late Captain C. F. Hall, to be expended under the control of the Smithsonian Institution, \$8,000.

(Stat., XXI, 238.)

#### REIMBURSEMENT OF EMIL BESSELS.

*February 18, 1881—House.*

Mr. HIRAM BARBER, jr., from Committee on Claims, submitted a report (H. 306) on a bill (H. 4718) for the relief of Dr. Emil Bessels:

It appears from the examination of this claim that the North Polar Expedition was authorized by a special act of Congress March 8, 1870. The steamer *Polaris* sailed for the arctic regions June 10, 1871. The claimant, Dr. Bessels, was the chief of the scientific division of this expedition, having been designated for that position

by the order of the Secretary of the Navy June 7, 1871, at a salary of \$100 per month and subsistence.

The *Polaris* was wrecked on the north coast of Greenland in 1872. Her voyage, loss, and the marvelous experiences of the heroic souls comprising the expedition, are matters of history, and comprise one of the most interesting chapters in the annals of arctic exploration.

Upon the return of the survivors, in October, 1873, the claimant was directed by the Secretary of the Navy to prepare the preliminary report of the voyage, and subsequently ordered to the Smithsonian Institution, and there engaged in working out the scientific results of the expedition.

The claimant appears to have been thus engaged until May, 1875, when he was ordered by the Navy Department to repair to San Francisco and embark on the United States steamer *Saranac* for Alaskan waters to complete the ethnological volume of the Arctic Expedition. The *Saranac*, after being at sea about two weeks, was wrecked between Vancouvers Island and the mainland.

The claimant immediately returned to Washington, and was again ordered to the Smithsonian Institution, to continue the preparation of the scientific report of the *Polaris* expedition, and where he remained so employed until March, 1880.

The claimant now alleges (1) that he had a large amount of personal property on board of the *Polaris*, which was lost with the vessel, and for which he ought to be reimbursed; (2) that he had a large amount of personal property on board the *Saranac*, which was lost with the vessel, and for which he ought also to be reimbursed; (3) that he has made large advances of money upon the work now in progress from his own private means, for which he ought to be reimbursed; (4) that he has been paid no salary for the period from August 30, 1876, to March 1, 1880.

In regard to the first item for which relief is claimed, viz, articles lost on board the *Polaris*, it appears from the evidence submitted to your committee that a large portion of the outfit of scientific instruments and apparatus deemed necessary for the use of the expedition could not be furnished by the Government, owing to the short space of time intervening between the appointment of Dr. Bessels and the day fixed for the departure of the expedition. It will be observed that the date of the order of the Secretary of the Navy designating Dr. Bessels for the position of chief of the scientific division of the expedition is June 7, 1871, and that the *Polaris* sailed July 10, 1871, too short a time for the Government to procure or prepare the scientific instruments and apparatus.

In this emergency Dr. Bessels supplied this deficiency by ordering a large amount of his own personal property on board of the *Polaris* for the use of the expedition. This seems to have been done upon consultation with Professor Henry, the then Secretary of the Smithsonian Institution and one of the joint directory of the expedition. The claimant produces an inventory of this property thus furnished, prepared by himself and Professor Henry, and having upon it the following indorsement: "Inventory of articles lent to the North Polar Expedition by Dr. E. Bessels, for which the Government of the United States ought to pay in case they are lost. (Signed) Joseph Henry, July 7, 1871."

This document, with the indorsement of Professor Henry as above given, was deposited in the archives of the Smithsonian Institution by Dr. Bessels before the sailing of the *Polaris*. The articles were lost with the vessel, and there would seem to be no question about the duty and obligation of the Government to indemnify Dr. Bessels therefor. The value of these articles your committee find to be the sum of \$1,378.50.

Your committee also find the value of the articles lost on board the *Saranac* by Dr. Bessels to be the sum of \$1,022.50, and that the claimant is entitled to indemnity therefor.

It further appears from the evidence submitted to your committee that the claimant has made advances in money for the work now in preparation, in continuation of the history of the *Polaris* expedition, amounting to the sum of \$3,632.70. The chief item of the sum so advanced is a receipted bill as follows, viz:

NEW YORK, March 29, 1877.

*Dr. Emil Bessels to Julius Bien, lithographer, Dr.*

Photolithographing, printing in black and tint, and paper for 2,000 copies	
of 52 plates of skulls, at \$60 .....	\$3, 120. 00
13 packing boxes, at \$1.25 .....	16. 25
	<hr/>
	3, 136. 25

Received payment.

JULIUS BIEN.

The claimant also produces other vouchers, swelling his advances to the sum of \$3,632.70 above named. It appears to your committee that these advances have been in fact made by the claimant; that the work upon which expended was prosecuted under the sanction of the Smithsonian Institution, and the officers of the same recognized the propriety of reimbursing the claimant.

It appears further, from the evidence submitted to your committee, that the claimant has not received anything in the way of salary for his services from August 30, 1876, to March 1, 1880. By the original order of the Secretary of the Navy the compensation of the claimant was fixed at \$100 per month. At this rate there is now due the claimant for unpaid salary the sum of \$4,200.

#### RECAPITULATION.

1. Articles lost on board of the <i>Polaris</i> .....	\$1, 378. 50
2. Articles lost on board the <i>Saranac</i> .....	1, 022. 50
3. Advances by Dr. Bessels on work now in preparation.....	3, 632. 70
4. Salary from August 30, 1876, to March 1, 1880.....	4, 200. 00
	<hr/>
Total.....	10, 233. 70

After a careful consideration of all the evidence submitted, your committee are of the opinion that he is justly entitled to the said sum of \$10,233.70, and therefore report back said bill with the recommendation that said amount be inserted therein and the same passed.

In conclusion, your committee invite the attention of the House to the following documents, herewith submitted, viz:

1. Letter of Prof. Spencer F. Baird, of the Smithsonian Institution, under date of February 8, 1881, and inclosures A, B, C, D, E.
2. Original memoranda by Dr. Bessels.
3. Letter of Secretary of Navy, under date of May 21, 1880, with divers inclosures.
4. Documentary evidence submitted by claimant, consisting of original letter of appointment, correspondence, and vouchers.

Committed to Committee of the Whole.

March 3, 1881.

Deficiency act for 1881.

To pay Dr. Emil Bessels for articles lost on board of the *Polaris*, \$1,378.50; for articles lost on board of the *Saranac*, \$1,022.50; to reim-

burse him for payments made by him in the preparation of the history of the *Polaris* expedition, \$3,632.70; for salary from August 30, 1876, to March 1, 1880, \$4,200; in all, \$10,233.70.

(Stat., XXI, 420.)

DOCUMENTS.

*June 7, 1880.*

By joint resolution No. 44, providing "for the publication and distribution of a Supplement to the Revised Statutes," two copies were ordered for the Smithsonian Institution.

(Stat., XXI, 308.)

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FORTY-SEVENTH CONGRESS, 1881-1883.

APPOINTMENT OF REGENTS

*By the Vice-President.*

*May 19, 1881—Senate.*

The VICE-PRESIDENT (Mr. CHESTER A. ARTHUR) appointed Nathaniel P. Hill, of Colorado, and Samuel B. Maxey, of Texas, Regents, on the part of the Senate, of the Smithsonian Institution to fill the vacancies caused by the expiration of the terms of service as Senators of Newton Booth and Robert E. Withers.

*January 19, 1883—Senate.*

The PRESIDENT pro tempore (Mr. DAVID DAVIS) laid before the Senate the following communication:

SENATE CHAMBER, *January 19, 1883.*

SIR: I desire to inform you that I have resigned the office of Regent of the Smithsonian Institution.

I am, very respectfully, yours,  
To Hon. DAVID DAVIS,  
*President of the Senate.*

GEORGE F. HOAR.

The PRESIDENT pro tempore. The Chair, in pursuance of the statute, appoints the Senator from Vermont [Mr. George F. Edmunds] in place of Mr. Hoar.

*February 26, 1883—Senate.*

The PRESIDENT pro tempore (Mr. DAVID DAVIS) laid before the Senate the following communication, which was read:

WASHINGTON, D. C., *February 21, 1883.*

SIR: With grateful thanks for the honor you have done me, I respectfully decline the appointment as a Regent of the Smithsonian Institution announced by you a short time since.

Very respectfully, yours,  
Hon. DAVID DAVIS,  
*President pro tempore of the Senate.*

GEO. F. EDMUNDS.

The PRESIDENT pro tempore. The communication will be filed. The Chair appoints Mr. Justin S. Morrill in place of Mr. Edmunds.

#### APPOINTMENT OF REGENTS

*By the Speaker.*

*January 9, 1882—House.*

The SPEAKER (Mr. J. WARREN KEIFER) appointed Nathaniel C. Deering, of Iowa, Ezekiel B. Taylor, of Ohio, and Samuel S. Cox, of New York, as Regents of the Smithsonian Institution, to date from the fourth Wednesday of December, 1881.

#### ETHNOLOGY—ESTIMATES.

*December 5, 1881—House.*

Estimates for 1883.

Ethnological researches, \$50,000.

*December 4, 1882—House.*

Estimate for 1884.

Ethnological researches, \$50,000.

#### ETHNOLOGY—APPROPRIATIONS.

*June 26, 1882.*

[H. Report No. 1520.]

*Amount paid for salaries from appropriation for ethnologic researches during 1880-81, \$20,000. (Act approved June 30, 1880.)*

1 Director, at \$3,600 per annum; 2 months and 17 days .....	\$760. 00
1 chief clerk and disbursing agent, 10 months, at \$2,100 per annum.....	1, 748. 10
1 executive officer, 2 months, at \$250 per month, \$500; 6 months, at \$3,000 per annum, \$1,500 .....	2, 000. 00
1 photographer, 1 year, at \$1,800 per annum .....	1, 798. 30
1 assistant photographer, 2 months, at \$45 per month, \$90; 11 months, at \$540 per annum, \$495.50 .....	585. 50
1 stenographer, 4 months and 13 days, at \$900 per annum .....	330. 80
1 ethnologist, 10 months, at \$1,500 per annum.....	1, 248. 60
1 assistant ethnologist, 2 months and 6 days, at \$100 per month.....	219. 32
1 assistant ethnologist, 4 months, at \$50 per month .....	200. 00
1 assistant ethnologist, 3 months, at \$50 per month .....	150. 00
1 assistant ethnologist, 2 months, at \$600 per annum .....	99. 50
1 assistant ethnologist, 1 month, at \$30 per month .....	30. 00
1 assistant ethnologist, 1 month, at \$37.50 per month.....	37. 50
1 assistant ethnologist, 3 months, at \$480 per annum.....	120. 00
1 philologist, 2 months, at \$125 per month .....	250. 00
1 draftsman, 8 days, at \$4 per day .....	32. 00
1 copyist, 10 months, at \$600 per annum.....	499. 50
1 copyist, 2 months, at \$30 per month, \$60; 11 months, at \$360 per annum, \$330.30 .....	390. 30
1 copyist, 6 days, at \$600 per annum.....	9. 89
1 copyist, 2 months, at \$50 per month .....	100. 00
1 clerk, 2 months, at \$100 per month .....	200. 00

1 clerk, 1 month, at \$75 per month .....	\$75. 00
1 messenger, 11 months, at \$480 per annum .....	440. 40
1 messenger, 2 months and 14 days, at \$180 per annum.....	36. 50
1 messenger, 2 months, at \$240 per annum.....	40. 20
1 messenger, 4 months and 12 days, at \$425 per annum .....	155. 02
1 watchman, 11 months, at \$480 per annum .....	440. 40
1 cook, 2 months, at \$40 per month.....	80. 00
1 cook, 1 month and 23 days, at \$45 per month.....	78. 75
1 laborer, 1 month and 23 days, at \$50 per month .....	87. 50
1 laborer, 17 days, at \$1.50 per day .....	25. 50
1 teamster, 1 month, at \$30 per month.....	30. 00
1 foreman, 1 month and 23 days, at \$75 per month .....	131. 25
Services procuring Indian vocabulary (job) .....	11. 00
Services backing map (job) .....	5. 00
Total.....	12, 445. 83

*August 7, 1882.*

Sundry civil act for 1883.

For the purpose of continuing ethnological researches among the North American Indians, under the direction of the Secretary of the Smithsonian Institution, including salaries and compensation of all necessary employees, \$35,000.

(Stat., XXII, 332.)

*March 3, 1883.*

Sundry civil act for 1884.

For the purpose of continuing ethnological researches among the North American Indians, under the direction of the Secretary of the Smithsonian Institution, including salaries and compensation of all necessary employees, \$40,000, of which \$3,000 shall be expended for continuing and completing the compilation and preparation of a statistical atlas of Indian affairs by C. C. Royce, under the direction of the Bureau of Ethnology, Smithsonian Institution, which shall be immediately available.

(Stat., XXII, 628.)

THOMSON SIAMESE DEPOSIT.

*January 12, 1882—House.*

A bill (H. 2810) introduced by Mr. J. F. C. TALBOTT.

(See Report No. 65 from Committee on Naval Affairs, Forty-seventh Congress, first session, House. Presented in House January 24, 1882.)

*August 8, 1882.*

*Be it enacted, etc.,* That Mary E. Thomson, mother of Passed Assistant Paymaster Curtis H. Thomson, U. S. N., deceased, be, and is hereby, authorized to accept, first, a portrait, in frame, of Her Royal Highness the Princess of Siam; second, a silver enameled cigar-case; third, a matchbox and tray of Siamese work, the same being presented to said Curtis H. Thomson, in his lifetime, by the King of Siam, and now on deposit in the Smithsonian Institution.

(Stat., XXII, 738.)

## EXPOSITIONS.

*Atlanta Exposition.*

*February 13, 1882.*

Act approved appropriating \$5,000 to pack and transport to Washington agricultural and mineral specimens from the Atlanta (Georgia) Exposition for the Department of Agriculture.

(Stat., XXII, 3.)

*Denver Exposition.*

*April 7, 1882.*

Act approved to admit free of duty articles for exhibition at the National Mining and Industrial Exposition to be held in Denver, Colorado, in 1882.

(Stat., XXII, 41.)

*March 3, 1883.*

Act approved to admit free of duty articles intended for the National Mining and Industrial Exposition in Denver, Colorado, in 1883.

(Stat., XXII, 481.)

*London Fishery Exhibition.*

*June 15, 1882—House.*

Mr. CHARLES G. WILLIAMS, of Wisconsin, from the Committee on Foreign Affairs, reported joint resolution (H. 237) concerning an international fishery exhibition to be held at London in May of the following year.

Referred to Committee of the Whole.

*June 19, 1882—House.*

Mr. CHARLES G. WILLIAMS, of Wisconsin. I am instructed by the Committee on Foreign Affairs to move to suspend the rules so as to discharge the Committee of the Whole House on the state of the Union from the further consideration of H. Res. No. 237, and to pass the same.

The joint resolution was read.

Mr. J. H. BLOUNT. I demand a second on the motion to suspend the rules.

The SPEAKER. If there be no objection, the motion will be considered as seconded. The Chair hears no objection. The gentleman from Georgia [Mr. Blount] will be recognized to control the time in opposition to the motion.

Mr. BLOUNT. I suppose the gentleman from Wisconsin [Mr. Williams] desires to be heard first.

Mr. WILLIAMS, of Wisconsin. Mr. Speaker, these international exhibitions are the great object-teaching schools of the world. They have changed the character and turned the currents of trade frequently more in ninety days than private enterprise, however combined, could

years. At Berlin the United States carried off the first prize in competition with all other nations. It is virtually conceded, or at least certainly assured, that if the invitation to London next year be accepted and preparation properly made, this country will surpass all others combined in the display of those things which pertain to fisheries and the practical results connected therewith.

The resources of this country for the production of fish and all that appertain thereto, the Commissioner informs us, are greater than in all countries of Europe combined. The actual production is four times greater than that of Norway, the greatest fish producing country on that continent. The products of fish and fisheries in the United States in the census year 1880 in the hands of producers amounted to \$10,000,000, and at wholesale prices to \$90,000,000. By means of special appliances now in use—not tentative, but which have been practically tested and their utility demonstrated—the Commissioner informs us that the product, including all things pertaining to it, may be increased ten times, which would give the enormous annual production of \$900,000,000. We can scarcely realize this. So accus-tomed are we to look to the land for wealth that we overlook the riches of our American waters, and we forget how God maintained our first man till he fulfilled his allotted mission. We do indeed cultivate the land, but we have civilized the waters with baseness. \* \* \*

The Commissioner sends to the committee this memorandum:

The 37th Congress made an appropriation for expenditure by the Smithsonian Institution and the United States Fish Commission of over \$100,000 for the preparation of an exhibit of the animal and mineral resources of the United States. Of this about \$30,000 was expended in connection with the fisheries branch of the exhibit. The display made in consequence was complete and satisfactory.

At the close of the exhibition these specimens were boxed up and transferred to Washington, where they remained stored in the Armory building until 1880. In the next Congress passed an act for participation by the United States in the fishery exhibition at Berlin, and appropriated \$20,000 for the purpose. This amount would have been entirely inadequate but for the fact that the greater part of the display was already prepared, leaving comparatively little additional matter to be procured. It was also in readiness a series of portable cases, which had been constructed at an additional cost of some \$6,000, and which were forwarded to Germany with the specimens and used in the installation and display of the collection. Owing to the great capacity of the Bremen Steamship Company, the collection of boxes, occupying some 100 cubic feet of capacity, was taken to Bremen and brought back again free of charge.

The railroad companies between Washington, New York, and Boston acted in a similarly liberal spirit.

It will be impossible to use any considerable portion of the articles exhibited at Philadelphia and Berlin for the London display. Many of them were ruined by transfer, so as to require renewal, and the collection generally has become so worn by its double exhibition as to be what may be called shopworn. For a new season an entirely new series of presentation will be required; also the fisheries have been greatly extended since 1880.

The packing boxes in which the collections were sent to Berlin and back have all been destroyed, and the same may be said of the greater part of the cases. The fixtures therefore necessary will be as follows:

1. The preparation of the new exhibit in all its details, and of the most perfect character.

2. The preparation of the specimens, and mounting them on suitable boards or tablets.

3. The construction of cases in which they may be exhibited on reaching London.

4. The construction of packing boxes necessary for holding the exhibits.

5. The freight charges to London and back on not less than 20,000 cubic feet of packages.

6. The salaries, traveling expenses, and subsistence in London of the party necessary to take charge of the display.

The following schedule of expenditures is given as an approximate estimate:

The collection of the materials for exhibit.....	\$8, 000
The general preparation for exhibition.....	5, 000
The construction of cases for exhibition.....	8, 000
The construction of packing boxes for an estimated bulk of 20,000 cubic feet..	3, 000
The freights on 20,000 cubic feet from Washington to London and back....	20, 000
Expenses of party in charge of display.....	6, 000

There is no sum of \$30,000 nor \$20,000 in this bill for junketing expenses—

A total of \$50,000, allowing nothing for incidentals, nothing for unexpected expenses, and nothing for acquiring articles of economical value to the United States by the National Museum.

The sum mentioned is the very lowest with which the work can be done to any advantage. It will indeed require a great deal of economy to bring a suitable outlay within the figures mentioned.

Sir, there is something due to the courtesy of nations. Great Britain has politely invited us, though she is aware with what she has to compete. The amount appropriated is reasonable; the object in view is prudent and practicable. I sincerely hope the House will pass the resolutions, as it will be too late if not done at this session of Congress.

Mr. Speaker, how much time have I remaining?

The SPEAKER. Four minutes.

Mr. WILLIAMS, of Wisconsin. I yield for a moment to the gentleman from New York [Mr. Cox].

Mr. S. S. Cox, of New York. Mr. Speaker, prior to the Centennial exhibition in 1876 comparatively little was known in regard to the greatness of our fish resources, while the important factor fish played in our domestic economy was but little appreciated. At that time a hurried collection of specimens was jointly made by the Smithsonian Institution and the Fish Commission, which in diversity and size surprised all those who saw it at Philadelphia. The development in this line has observably increased since that time, until 1880, when on a three-weeks' notice a collection was gotten together by the untiring Commissioner, Professor Baird, and shipped to Berlin, under the supervision of Prof. G. Brown Goode.

This exhibit again proved a surprise, this time not only to Americans, but also to the exhibitors of Europe, who saw us bear off the

honors, including the *epergne*, the magnificent gift of Kaiser Wilhelm, which was presented to our commissioner. It was a fit token that he had done more for the fishing interests of his country than any other man. Since the Berlin exhibition, when the attention of foreign countries had been called to the cheapness and excellence of the various products of the fisheries, new markets have been found for dried, salted, and prepared fish of different kinds, and also for the apparatus used by the fishermen. The exports have increased correspondingly in value and in kind. Let the report of the Committee on Foreign Affairs speak:

One of the immediate results of the participation by this Government in the exhibition at Berlin, in 1880, was the establishment of agencies for the sale of American fish products in nearly every country in Europe. As another result, American boneless codfish has been adopted as a standard article of food by some seventeen or more of the regiments of the German army, and its introduction into the commissary department of the navies of Germany and Russia is seriously contemplated.

The foreign trade in this commodity has but just begun, and its possibilities for the future are almost without limit. The Commissioner states that the value of the products of the fisheries of the United States in the census year 1880 was about \$45,000,000. This was the estimated price paid to the producer, but the value of the same products at wholesale rates would not be less than \$90,000,000.

The export trade, owing to a strong home demand, in the year 1880 amounted to only \$5,744,580. Professor Baird states that under the processes now being successfully employed, the resources of the waters of the United States available for this purpose may be made to produce a quantity of useful products at least ten times as great as they now produce, which would amount to the enormous sum of \$900,000,000 per annum. He also estimates that at the rate at which oysters are now being consumed ten years will exhaust the natural supply in this country, but states that under artificial methods now employed the supply will soon be restored. In view of the growing scarcity and high prices for meat food these things become of vital importance. The exports of oysters from the United States to England have risen in value from \$33,661 in 1875 to \$403,629 in 1881.

This country excels all others in the preparation of the cheapest and best qualities of dried cod and pollock. These are prepared with skin and bones removed, and packed in neat boxes for transportation. It has also an almost unexampled production of superior grades of smoked herring, sturgeon, halibut, and mullet, all of which, if placed upon foreign markets, would meet an immense sale. The display of these and similar articles in the exhibition would tend directly to their introduction into European markets.

Certainly, then, if these results have followed the Berlin exhibition it is of great commercial interest to expand our markets, which are now only 10 per cent of what they really ought to be, could, and will be if Professor Baird is assisted in his endeavors, for, as he truthfully says in his report:

Many countries of Europe have already reached that period when they look to foreign nations for their supply of animal food. America furnishes a great part; the less populated regions of Europe the remainder. The increase in the price of what is called "butchers' meat," though gradual, is inevitable, and every year a larger and larger percentage of the population will be unable to secure it. In this emergency we must look to the water for the means of supply.

America has the supply, Europe furnishes the demand. It would therefore seem that all reasonable opportunities should be improved to bring her productions to the attention of foreign countries.

The President approves this bill, as does also the honorable Secretary of State, who says:

In view of the importance of the fisheries interests of this country, the widely extended and growing exportation of our maritime products as food and for use in the arts and manufactures, and the constantly increasing attention which our citizens are giving to the subject of fish culture, it would undoubtedly be a wise and profitable measure for Congress to make such provision as would enable the United States to take a part in the proposed exhibition at London commensurate with the interest of the country in the subject.

It is therefore recommended that an appropriation of \$50,000 be made to enable the Secretary of State to take the necessary steps for securing the representation of this country at the London International Fisheries Exhibition of 1883, by contributing illustrations of the condition and products of our domestic and ocean fisheries, and of the progress of fish-culture in this country, and also by sending competent persons to the exhibition to study the exhibits and to exchange the latest views upon this important subject with the delegates of other countries.

For these reasons, and to enlarge our commerce for the increase of the comforts and needs of life at home and abroad, I cheerfully sustain the measure reported by my honorable friend, the chairman of the Foreign Affairs Committee.

In conclusion, let me summarize:

1. Exports can be increased immensely, with corresponding stimulus to fish production in this country.
2. Increase of the knowledge of our productions while we hold our place against all competitors.
3. Rivalry with Great Britain and the best single display.

In other words, and briefly, we stimulate—

1. Exports.
2. Production.
3. Patriotic pride.

Mr. F. HISCOCK. Is it in order to congratulate my colleague [Mr. Cox] that he addresses the House from this side of the Hall?

Mr. COX, of New York. On a matter like this, entirely apostolic in its character, I recognize no party divisions.

Mr. BLOUNT. Mr. Chairman, two years ago we appropriated money for the purpose of attending the Berlin fish exhibition, which was probably the first movement of that character on the part of the people of this country. Contrary to what was customary a few years ago, there are constant efforts to press through Congress, on various excuses, appropriations for junketing expeditions to Europe. I regard this as one of the same class of schemes.

Now, what are the reasons urged for the passage of the pending bill? We have been presented with an array of figures as to our wealth in the matter of fish culture. The statistics are exceedingly

interesting, no doubt, and they are very complimentary to the people, but the Fish Commission has had but little to do with the production of that wealth on the part of our people who are engaged in various fisheries. It is to our own capital, to our own energy, to our own intelligence, this wealth is due. It has been built up by the industry and courage of our own people, and not from anything done by this Fish Commission in attending international displays of the kind now proposed.

Why, then, all this parade of the wealth of the country in connection with an appropriation for a fish exhibition abroad? Do you propose to rob the people connected with these fish industries of the reputation they are justly entitled to, and gather it all up for this Fish Commission in a movement of this sort?

You have been told that some seventeen regiments of the German army are now being fed with boneless codfish, and that during the Berlin exhibition the fact was constantly before the German people that these were American fish, and that for the first time the people who had charge of the commissary department of the German army learned our American soldiers were being fed on codfish. Such a reason as this is so empty, is so absurd, it can invite nothing else but the suggestion that there is no real, substantial reason why this thing should be done. The report fails to show how the Fish Commissioner obtained the information upon which this statement has been based, and the gentleman having charge of the bill has failed to show it.

Every possible fact which can be gathered together in reference to the production of fish in this country has been collated in this report for the purpose of furthering this exhibition. I do not see, however, one solitary reason in the report which can be considered as tenable. Are not our New England fishermen enterprising? Are they not awake to their interests? If there is a market abroad for their production, who will sooner find it out than they? Is there a market there, and are we to learn in reference to it for the first time by this exhibition?

The Commissioner says in this report:

Many countries of Europe have already reached that period when they look to foreign nations for their supply of animal food. America furnishes a great part; the less populated regions of Europe the remainder. The increase in the price of what is called "butcher's meat," though gradual, is inevitable, and every year a larger and larger percentage of the population will be unable to secure it. In this emergency we must look to the water for the means of supply.

Europe is now looking out over the face of the globe for products of this kind, in order to purchase them. She is looking to America, and everywhere else.

Now, Mr. Speaker, I agree with the sentiment that the supply of food fish should be increased, and I am willing to vote as liberally to

the Fish Commission for the purpose of filling our rivers and streams with fish as any other member of Congress. I am as willing as any other to contribute to the increase of this wealth ; but that is another thing from this fish exhibition. The multiplying of food-fishes in this country by artificial means is quite a different thing from going abroad and spending \$50,000 at an exhibition. We can take that appropriation and go on with our fish-culture.

The Fish Commission went before the Committee on Foreign Affairs and stated we had gone further than all the countries in Europe in the matter of fish-culture, and that they were constantly resorting to this country to study our methods. Therefore there can be no benefit to be gained by this exhibition, and there can be no suggestion of any improvement to come from it. There can be no successful allegation that those people are blind to our products and we must therefore go to this exhibition at a cost of \$50,000 to advertise our fish production. The Fish Commissioner tells you their interest as well as their intelligence are constantly advising them to look in this direction for the purpose of getting their supply.

As I said in the outset, in 1880 we attended one of these exhibitions at Berlin. Now we are asked to provide for another exhibition. One seems to beget the other. So we are to get up in various Departments of the Government upon this sort of sophistical reasoning from time to time all sorts of junketing expeditions, for they are nothing more or less.

I challenge any gentleman to find a well-founded fact in the report to show that our attendance at Berlin has increased the demand for our fish production. I submit there is an absence of any such ground. There is a good deal of declamation about American fish production. There is a deal of assumption without a single report from any official source to base it on ; but we are expected to take it for granted that all these statements are correct and to vote money toward this exhibition. There can not come, I apprehend, the slightest difficulty if we fail to do it. The world will still want fish, and the mercantile world and the interest involved in fish production will take care of all these matters.

We need not concern ourselves so much with the affairs of the American people in relation to their foreign commerce or their associations with foreign countries in matters of trade. We had better confine our attention to their fish and other industries and see to building them up, if we have anything to do with the subject. They do not ask any such assistance as this bill contemplates. If they are left alone they will do in the future as they have done in the past, with their industry and intelligence take care of all of these interests for themselves.

Mr. Speaker, I am getting fatigued with the idea that on every

ion we are invited to see what other countries are doing in particular lines. When anything is said about the American Army we are once shown the great disproportion between our Army and that of European countries. Whenever a criticism on the American Navy is made, it brings out a presentation of the fact that certain European nations have vast numbers of powerfully armed ships, as if all of these were intended as an argument why we, occupying our position, should be the same. We are constantly shown these things. I would turn away from them. I would turn to the history of the past; I would review our own time-honored policy, and let these interests remain in the hands of the people, where they ought to be, instead of in a fish commission. Vote this down, but give every dollar necessary to multiply the fish supplies for the people of this country.

I will reserve the remainder of my time.

. C. G. WILLIAMS, of Wisconsin. I yield now two minutes to the gentleman from Massachusetts [Mr. Rice].

. W. W. RICE, of Massachusetts. Mr. Speaker, under the patronage of the Government our mechanics and manufacturers have competed in national expositions with the citizens of the Old and the New Worlds, and even with those wonderful communities which have sprung up on the continental islands beneath the Southern Cross, and they have there won glory, honor, and profit from such competitions.

Now, the gentleman from Georgia comes here and would have us believe that all of these are but mere junketing expeditions. I trust, that the men who are pushing to the front the industry of Georgia will teach him that there is something else in these international expositions than mere pleasure trips or junketing expeditions. This exhibition differs from the others only in that it has a bearing upon a special interest and industry. What is that? It is the fish industry; it is an industry which is maintained by the men who won the fishing grounds to the country in the early days of this nation's existence, and whose rights were protected by the statesmen of the Revolution, and who to-day in their hardy pursuits are ready, with a flag at the masthead, to bear it out in triumph over the seas against any power. These are the men whose interests are at stake. [The hammer fell.]

. WILLIAMS, of Wisconsin. I now yield the remainder of the time to the gentleman from Iowa [Mr. Kasson].

. J. A. KASSON. I will yield to the gentleman from Massachusetts to conclude his remarks.

. RICE, of Massachusetts. I desire simply to call your attention to no other matter in connection with this subject at this time, and that is its interest to the scientific men whose skill has brought to light the secrets of fish-culture, and whose investigations have pushed this industry to the front in the matter of fish propagation and their

curing. Is there to be an exhibition of the fishing interests of the world, and is Professor Baird and the Smithsonian Institution to be excluded from that exhibition by the parsimony of the Government that they serve?

Mr. Speaker, in behalf of the fishermen of the country, in behalf of the business men who are sending out shoals of fishes to supply all the waters of our country, who have shown us how to take the plunder of the seas and convert to the services of man the otherwise wasted treasures of the ocean, I am in favor of the passage of this bill, and trust it will receive the support of the House.

Mr. BLOUNT. Mr. Speaker, the speech of my friend from Massachusetts is but an illustration of what I stated a while ago, that whenever you come to talk of any exposition, or any fact in connection with such matters, instead of confining themselves to the subject gentlemen will wander off to the glorification of the American people and the importance of competing with foreign nations on such questions. But my friend from Massachusetts has taken occasion to say that the people of Georgia would probably teach me better ideas in reference to this question. Now I want to say to my friend that the people of Georgia, I think, are quite intelligent, and do not need any spurring from him for the purpose of considering their own industries or the welfare of this country.

So far as the fishermen of New England are concerned, in whom my friend is interested and in whose behalf he appeals for this fish show, I have simply to say in their behalf that I would rather give them the money to enable them to multiply their fish products than to enable the commission to go to England for the purpose of considering the various products of other countries. That is a matter in which they can have but little interest. It is a matter that does not merit our attention when other questions of vital importance are urging themselves upon us, and I think we had better direct our energies to the multiplying of our own fish product in this way than wasting our time in such expeditions.

There was appropriated in the last bill \$200,000 for fish-culture, double what had been appropriated for some years past; and this has been growing continually, and yet I may be permitted to say that so important do I regard it for the interests of our own people that I have been always willing and in favor of it, and propose to continue it so far as lies in my power. But that is a different thing from what is proposed in this bill.

I trust the House will not be misled by any sentiment about American industries to sanction this proposition. Allow this thing to be done this year and it will be demanded from year to year, and every time it comes up a stump speech is to be interjected into this report in support of the measure, and the people will be called upon to bear the expense.

The SPEAKER. The question is on the motion of the gentleman from Wisconsin [Mr. Williams] to suspend the rules and pass the joint resolution which has been read.

Mr. BLOUNT called for a division.

The House divided; and there were—ayes 89, noes 36.

Mr. BLOUNT. No quorum.

The SPEAKER. Does the gentleman insist on the point as to a quorum?

Mr. BLOUNT. I ask for the yeas and nays.

On the question of ordering the yeas and nays there were—ayes 18, noes 88.

So (the affirmative not being one-fifth of the whole vote) the yeas and nays were not ordered.

Mr. BLOUNT. I make the point that a quorum did not vote.

The SPEAKER. The point is made too late. Two-thirds having voted the affirmative, the rules are suspended and the joint resolution is passed.

Mr. WILLIAMS, of Wisconsin. I ask unanimous consent that my colleague [Mr. Deuster] have leave to print some remarks on this joint resolution.

There was no objection.

March 12, 1882—Senate.

Passed.

March 18, 1882.

#### Joint Resolution.

Whereas the Government of the United States has received official information from that of Great Britain that it is proposed to hold an International Exhibition of Fish, Fisheries, and Fish Products at London in May, 1883, whereat the representation of the United States is invited; and

Whereas, also, by its action as a Government, and by the active enterprise of merchants, fishermen, and inventors and the researches of men of science in this country, the United States has attained and holds a prominent place in all that relates to the development of the great fisheries industries, the extension of the great commercial relationship with other countries based on the exportation of prepared fish products; which now forms an important factor in the national wealth, the artificial propagation of food fishes, and the re-stocking of depleted fishing waters, and it is expedient that the industries and interests thus concerned should be adequately represented on the occasion: Therefore, *Resolved, etc.*, That the invitation of the British Government be accepted, and that, under the auspices of the Department of State, the United States Commissioner of Fish and Fisheries be, and he

hereby is, instructed to prepare or cause to be prepared a complete and systematic representative exhibition of the fisheries of the United States, in which shall be shown the following: A series of models, maps, and charts showing the location and extent of the various fishing grounds; a full series of the principal sea and fresh-water fishes, shellfish, sponges, etc., and other useful inhabitants of the waters of the country (either as specimens, casts, or illustrations); specimens of models of the various kinds of gear, apparatus, boats, etc., used in their capture; a full collection of articles showing the commercial and economic uses of the fishes and other water animals, which shall include, besides the samples and specimens, models and other representations of appliances used in their preparation and preservation for food, as well as for purposes of use and ornament, such as dried, smoked, and canned fish, etc.; oils, fertilizers, manufactured shells, corals, sponges, etc.; also a full series of articles, or models thereof, showing the economic condition of our fishermen, such as clothing and other personal outfit, models of dwelling houses, etc.; a collection of documents showing the present condition of fishery legislation; also specimens, models, and illustrations of the apparatus used in artificial hatching and breeding of fish, oysters, etc.; models of hatcheries, ponds, fishways, transportation cars, vessels, etc.; statistical maps showing the range, abundance, etc., of our fishes, etc.; also such other facts, apparatus, models, specimens, etc., as may be needed to convey a correct idea of this branch of the nation's industries.

SEC. 2. That with the approval of the Director of the National Museum, any cognate portion of the collections thereof may be used in the preparation of the exhibit herein provided for, permission to remove the same from the National Museum being hereby granted. And the Commissioner of Fish and Fisheries is hereby authorized to obtain, by exchange or otherwise, such procurable objects from other exhibits in London as may tend to perfect the permanent fishery exhibit of the United States National Museum.

SEC. 3. That it shall be the duty of the United States Commissioner of Fish and Fisheries to present to Congress a detailed report of the present condition of the European fisheries, with information as to any methods by which those of the United States can be modified or improved, as well as any suggestions he may deem pertinent in regard to increasing the exportation of fishery products from the United States to foreign countries.

SEC. 4. That the United States Commissioner of Fish and Fisheries is hereby authorized to represent the United States at the exhibition in question, either in person or by a deputy to be appointed by the President of the United States, together with such assistants as he may recommend as useful in carrying out the proposed participation of the United States at the exhibition.

SEC. 5. That in order to defray the expenses of the collection, preparation, and packing of the exhibit authorized, its transfer from and to the United States, its installation and supervision in London, and such other incidental expenses as may of necessity arise, there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$50,000, or so much thereof as may be required, to be immediately available, and to be expended by the United States Commissioner of Fish and Fisheries, under the direction and regulations of the Department of State.

(Stat., XXII, 387.)

March 3, 1883.

Sundry civil act for 1884.

For the use of the United States exhibit at the International Fishery Exhibition, to be held in London in May, 1883, to be expended by the United States Commissioner of Fish and Fisheries, under the direction and regulations of the Department of State, \$10,000, which shall be immediately available.

(Stat., XXII, 603.)

*Boston Exposition.*

June 28, 1882.

Act approved to admit free of duty articles for the "Exhibition of Art and Industry in Boston, in 1883."

(Stat., XXII, 116.)

*Philadelphia Centennial Exposition.*

August 8, 1882—House.

MR. WILLIAM M. SPRINGER. There is deposited with the Clerk of the House a large box containing reports of the boards on behalf of the Executive Departments of the United States at the Centennial Exhibition at Philadelphia in 1876. Among them are a large number of photographs illustrative of the articles exhibited there on behalf of the Government. In response to a petition sent to the Committee on Printing by one of those boards that these documents should be sent to the Smithsonian Institution for safe-keeping, and also that Professor Baird be requested to report upon which of them are valuable for publication, I submit this resolution:

*Resolved*, That the Clerk of the House be directed to transmit to the Director of the Smithsonian Institution the reports of the boards on behalf of the United States Executive Departments as represented at the International Exhibition at Philadelphia in 1876, for preservation in the National Museum; and that Prof. Spencer F. Baird be requested to report to the House of Representatives as to the propriety and cost of the publication of said reports and accompanying illustrations.

Adopted.

February 15, 1883—House.

The SPEAKER (Mr. J. WARREN KEIFFER) laid before the House a letter from the Secretary of the Smithsonian Institution in response

to a resolution of the House of August 8, 1882, relative to the printing of the report of the board on behalf of the United States Executive Departments at the International Exhibition of 1876.

Referred to Committee on Printing.

SMITHSONIAN INSTITUTION,

Washington, January 13, 1883.

SIR: A resolution was passed on the 8th day of August, 1882, by the House of Representatives, to the following effect:

*"Resolved, That the Clerk of the House be directed to transmit to the Director of the Smithsonian Institution the reports of the boards on behalf of the United States Executive Departments as represented at the International Exhibition at Philadelphia in 1876, for preservation in the National Museum, and that Prof. Spencer F. Baird be requested to report to the House of Representatives as to the propriety and cost of the publication of said reports and accompanying illustrations."*

In accordance therewith, the aforesaid report of the boards on the United States Executive Departments at the International Exhibition of 1876 was placed in my hands by the Clerk of the House of Representatives for the purpose in question.

The report was originally submitted to Congress by the President of the United States on February 9, 1877, and referred to the House Committee on Public Buildings and Grounds and ordered to be printed. (House Journal, 1876-77, p. 110.)

On February 10, 1877, the reference was changed from the Committee on Public Buildings and Grounds to the House Committee on Printing. (House Journal, 1876-77, p. 411.)

On March 1, 1877, a resolution was introduced in the House directing the printing of the report. This resolution was referred to the Committee on Printing. (House Journal, 1876-77, p. 583.)

The session closed without action upon the subject.

The report was resubmitted to Congress by the President of the United States in his annual message of December 3, 1877. (House Journal, 1877-78, p. 24.)

On December 10, 1877, so much of the message as related to the report was referred to the Committee on Printing. (House Journal, 1877-78, p. 82.)

No action was ever taken after this last reference until the reception of the memorial of the chairman of the board at the last session of Congress (first session Forty-seventh Congress).

[Memorial of Col. S. C. Lyford, U. S. A., late chairman of the board on United States Executive Departments at the International Exhibition, 1876.]

*The honorable the House of Representatives:*

Your memorialist, late chairman of the board on United States Executive Departments at the International Exhibition, 1876, respectfully represents that the report of said board on the participation of the several Executive Departments of the Government in said exhibition was transmitted by the President of the United States to the House of Representatives on February 9, 1877, and the message of the President being read, it was

*"Ordered, That the said message and accompanying documents be referred to the Committee on Public Buildings and Grounds, and printed."* (Journal H. R., 1876-77, p. 410.)

That subsequently, at the same session, to wit, March 1, 1877, a resolution to print extra copies of said report was introduced in the House, and referred to the Committee on Printing.

That the transmission of said report and the introduction of said resolution was during a period of great political excitement in the House, growing out of the doubtful results of the late Presidential election, and the institution of the Electoral Com-

mission for deciding said result; and that before any report could be made by said Committee on Printing upon the resolution referred to them, the then pending session of Congress expired, leaving the resolution for printing extra copies unacted upon by the House.

That at the expiration of said session the message and accompanying documents were in the hands of the Public Printer, by reference of said Committee on Printing, for the purpose of having estimates made of the cost of printing under the resolution; and that not having been referred to the Public Printer by proper authority under the order of the House of February 9, 1877, to be printed as a public document, the Public Printer did not have such message and accompanying documents printed, but turned them over to the chairman of the board during the summer of that year, who caused them to be retransmitted to Congress at the ensuing session. No action, so far as your memorialist is aware, has ever been taken since that time looking to the printing of said papers.

In submitting the report of the board to Congress on February 9, 1877, the President of the United States said:

“The labors performed by the members of the board, as evinced by the voluminous mass of information found in the various papers from the officers charged with their preparation, have been in the highest degree commendable; and believing that the publication of these papers will form an interesting memorial of the greatest of international exhibitions, and of the centennial anniversary of the independence of our country, I recommend that they be printed in a suitable form for distribution and preservation.”

In his annual message of December 3, 1877, the President said:

“The board on behalf of the United States Executive Departments at the International Exhibition of 1876 has concluded its labors. The final report of the board was transmitted to Congress by the President near the close of the last session. As these papers are understood to contain interesting and valuable information, and will constitute the only report emanating from the Government<sup>1</sup> on the subject of the Exhibition, I invite attention to the matter, and recommend that the report be published for general information.”

In consideration of which, your memorialist prays that said message and accompanying documents be now transmitted to the Public Printer, to be printed in accordance with the order of the House of Representatives of February 9, 1877.

And your memorialist will ever pray, etc.

S. C. LYFORD,

*Brevet Lieutenant-Colonel United States Army, Late Chairman, and  
Representative War Department, International Exhibition, 1876, etc.*

With the assistance of Mr. W. A. DeCaindry, late secretary of the board on the United States Executive Departments, I have given the entire manuscript and its accompanying illustrations a careful examination; and with the concurrence of Colonel Lyford, late chairman, I have taken out quite a considerable amount of matter which appeared to us to be irrelevant. We have also concluded to recommend the entire omission of the series of photographic views, as involving very great cost without any commensurate advantage. We have, however, retained the figures illustrating the text, and which, if reproduced by the photo-engraving process, will cost but a very small amount.

It had been originally contemplated to publish this report in quarto, but with the omission of the large photographic views, the octavo form seems to be the more

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<sup>1</sup>The report of the Centennial Commission connected with the International Exhibition, 1876, has since been printed by Congress, but does not include the details of the governmental participation.

convenient, especially as it will then be possible to print the volumes uniform with those of the report of the Centennial Commission, of which an edition of 5,000 copies has been published by order of Congress.

The Public Printer, at my request, caused a careful examination to be made of the manuscript and the illustrations, and reports as follows:

OFFICE OF THE PUBLIC PRINTER,

*Washington, D. C., January 9, 1883.*

SIR: The estimated cost of 1,900 copies of the final report of the Centennial Exhibition, estimated to make 1,544 pages, including 268 pages of photo-engraving, printed on tinted paper, unbound, will cost about \$5,590.53, and each additional 1,000 copies, bound in two cloth volumes, about \$1,532.43.

Very respectfully,

CADET TAYLOR, *Chief Clerk.*

Prof. S. F. BAIRD,

*Smithsonian Institution.*

GOVERNMENT PRINTING OFFICE, OFFICE OF THE CHIEF CLERK,

*Washington, D. C., January 12, 1883.*

DEAR SIR: Your favor of January 11 received, in which you ask if the estimate sent you on the 9th instant includes the actual cost of making the engraving of the 268 pages, or only the presswork and paper. I beg to say that in the estimate sent you we figured on 9,112 square inches photo-engraving, at 18 cents per square inch, making a total cost of engraving \$1,640.16.

Very respectfully,

Prof S. F. BAIRD.

CADET TAYLOR, *Chief Clerk.*

From these it will be seen that the work will make three volumes of about 600 pages each, and that the regular edition of 1,900 copies will cost about \$5,590, and that each additional set will cost \$1,532. The total cost, therefore, of the regular edition of 1,900 copies, and of 5,000 extra copies, of three bound volumes each, will amount, according to the estimate of the Printer, to \$13,252.78.

A considerable amount of careful clerical and other revision will be necessary to prepare the manuscript for the use of the Public Printer, and to avoid unnecessary expense and delay in his office I would therefore recommend an allowance of \$300 for this purpose as being strictly in the interest of economy and dispatch. There is at present no one whose official business it is to do the very indispensable work in question.

In conclusion, I beg to submit the following suggestion, in the form of a joint resolution, in regard to the publication of the report:

*“Resolved, etc., That there be printed and bound, in continuation of the series of volumes heretofore published by Congress under joint resolution of June 20, 1879, containing the final report of the United States Centennial Commission on the International Exhibition of 1876, and uniform therewith, 5,000 copies of the report of the board on behalf of the United States Executive Departments at said exhibition, being the report which was submitted to Congress by the President of the United States by special message of February 9, 1877, and again in his annual message of December 3, 1877, of which number 3,000 copies shall be for the House, 1,000 copies for the Senate, 200 copies for the Smithsonian Institution for distribution to such foreign governments and others as made contributions from such exhibition to the National Museum, 300 copies for the late members of said board, and 500 copies for distribution by the late president of the Centennial Commission, the printing to be done by the Public Printer, under the supervision of the late chairman of said board, upon whose order may be allowed by the Public Printer to the late secretary of the*

board not exceeding \$300 for services to be performed and incidental expenses to be incurred in connection therewith: *Provided*, That the photographic views of the Government exhibit accompanying the manuscript report shall not be printed or reproduced for the publication herein authorized."

Very respectfully, your obedient servant,

SPENCER F. BAIRD,  
*Secretary of the Smithsonian Institution.*

Hon. J. W. KEIFER,  
*Speaker House of Representatives.*

March 3, 1883.

Joint resolution.

*Resolved, etc.*, That there be printed and bound, in continuation of the series of volumes heretofore published by Congress under joint resolution of June 20, 1879, containing the final report of the United States Centennial Commission on the International Exhibition of 1876, and uniform therewith, 5,000 copies of the report of the board on behalf of the United States Executive Departments at said exhibition, being the report which was submitted to Congress by the President of the United States by special message of February 9, 1877, and again in his annual message of December 3, 1877, of which number 3,000 copies shall be for the House, 1,000 copies for the Senate, 200 copies for the Smithsonian Institution for distribution to such foreign governments and others as made contributions from such exhibition to the National Museum, 300 copies for the late members of said board, and 500 copies for distribution by the late president of the Centennial Commission, the printing to be done by the Public Printer, under the supervision of the late chairman of said board, upon whose order may be allowed by the Public Printer to the late secretary of the board not exceeding \$300 for services to be performed and incidental expenses to be incurred in connection therewith: *Provided*, That the photographic views of the Government exhibit accompanying the manuscript report shall not be printed or reproduced for the publication herein authorized.

(Stat., XXII, p. 640.)

*New Orleans World's Industrial and Cotton Centennial Exposition.*

February 10, 1883.

An act, etc.

Whereas it is desirable to encourage for celebration the 100th anniversary of the production, manufacture, and commerce of cotton by holding, in the year 1884, in some city of the Union, to be selected by the executive committee of the National Cotton Planters' Association of America, an institution for the public welfare incorporated under the laws of Mississippi, a World's Industrial and Cotton Centennial Exposition, to be held under the joint auspices of the United States, the said National Cotton Planters' Association of America, and of the city in which it may be located, and in which

cotton in all its conditions of culture and manufacture will be the chief exhibit, but which is designed also to include all arts, manufactures, and products of the soil and mine; and

Whereas such an exhibition should be national and international in its character, in which the people of this country and other parts of the world who are interested in the subject should participate, it should have the sanction of the Congress of the United States: Therefore,

*Be it enacted, etc.,* That a World's Industrial and Cotton Centennial Exposition be held in the year 1884, under the joint auspices of the United States Government, the National Cotton Planters' Association of America, and the city where it may be located.

SEC. 2. That the President of the United States may, upon the recommendation of the executive committee of the National Cotton Planters' Association of America, appoint six United States commissioners, and upon the recommendation of the majority of subscribers to the enterprise in the city where it may be located, may appoint seven United States commissioners who, together, shall constitute a board of management of said World's Industrial and Cotton Centennial Exposition.

SEC. 3. That the President of the United States may, on the recommendation of the governors of the various States and Territories of the Union, appoint one commissioner and one alternate commissioner for each State and Territory, whose functions shall be defined by the said board of management.

SEC. 4. That all of said commissioners shall be appointed within one year from the passage of this act.

SEC. 5. That the said board of management shall hold its meetings in such city as may be selected for the location of the said exposition by the National Cotton Planters' Association of America as aforesaid, and that a majority of said board of management shall have full power to make all needful rules and regulations for its government.

SEC. 6. That said board of management shall report to the President of the United States a suitable date for opening and closing the exposition; a schedule of appropriate ceremonies for opening or dedicating the same; and such other matters as, in their judgment, may be deemed important.

SEC. 7. That no compensation for services shall be paid to the commissioners or other officers provided by this act from the Treasury of the United States; and the United States shall not be liable for any of the expenses attending such exhibition or by reason of the same.

SEC. 8. That whenever the President shall be informed by the said board of management that provision has been made for suitable buildings, or the erection of the same, for the purposes of said exposition, the President shall, through the Department of State, make proclama-

tion of the same, setting forth the time at which the exhibition will open, and the place at which it will be held, and such board of management shall communicate to the diplomatic representatives of all nations copies of the same and a copy of this act, together with such regulations as may be adopted by said board of management, for publication in their respective countries.

SEC. 9. That the President be requested to send, in the name of the United States, invitations to the governments of other nations to be represented and take part in said World's Industrial and Cotton Centennial Exposition, to be held in some city of the United States to be hereafter selected as aforesaid.

SEC. 10. That medals with appropriate devices, emblems, and inscriptions, commemorative of said World's Industrial and Cotton Centennial Exposition and of the awards to be made to exhibitors thereat, be prepared at some mint of the United States for the said board of management, subject to the provisions of the fifty-second section of the coinage act of 1873, upon the payment of a sum not less than the cost thereof; and all the provisions, whether penal or otherwise, of said coinage act against the counterfeiting or imitating of coins of the United States shall apply to the medals struck and issued under this act.

SEC. 11. That all articles which shall be imported for the sole purpose of exhibition at the said World's Industrial and Cotton Centennial Exposition, to be held in the year 1884, shall be admitted without the payment of duty or of customs fees or charges, under such regulations as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles as shall be sold in the United States or withdrawn for consumption therein at any time after such importation shall be subject to the duties, if any are imposed on like articles by the revenue laws in force at the date of importation: *And provided further*, That in case any articles imported under the provisions of this act shall be withdrawn for consumption, or shall be sold without payment of duty as required by law, all penalties prescribed by the revenue laws shall be applied and enforced against such articles and against the persons who may be guilty of such withdrawal or sale.

(Stat., XXII, 413.)

September 10, 1883.

Proclamation.

Whereas by the eighth section of an act entitled "An act to encourage the holding of a World's Industrial and Cotton Centennial Exposition in the year 1884," approved February 10, 1883, it was enacted as follows:

"That whenever the President shall be informed by the said board of management that provision has been made for suitable buildings, or the erection of the same, for the purposes of said exhibition, the President shall, through the Department of State, make proclamation of the same, setting forth the time at which the exhibition will open, and the

place at which it will be held, and such board of management **shall** communicate to the diplomatic representatives of all nations **copies of** the same and a copy of this act, together with such regulations **as may** be adopted by said board of management for publication in **their** respective countries."

And whereas the duly constituted board of managers of the **afore-**said World's Industrial and Cotton Centennial Exposition has informed me that provision has been made for the erection of suitable **buildings** for the purposes of said exposition:

Now, therefore, I, Chester A. Arthur, President of the **United** States of America, by authority of and in fulfillment of the **require-**ments of said act approved February 10, 1883, do hereby declare **and** make known that the World's Industrial and Cotton Centennial Exposition will be opened on the first Monday in December, **1884, at** the city of New Orleans in the State of Louisiana, and will **there be** holden continuously until the 31st day of May, 1885.

In testimony whereof I have hereunto set my hand and caused **the** seal of the United States to be affixed.

Done at the city of Washington this 10th day of September, **1883,** and of the Independence of the United States 108.

[SEAL.]

CHESTER A. ARTHUR.

By the President:

FREDK. T. FRELINGHUYSEN,

*Secretary of State.*

(Stat., XXIII, 833.)

*Philadelphia Electrical Exposition.*

*February 26, 1883.*

Joint Resolution No. 17 provided for free admission of articles **for** the Franklin Institute, Philadelphia, exhibition of electrical **apparatus,** machinery, tools, and implements, etc., used in scientific and **mechan-**ical and manufacturing business and investigation.

(Stat., XXII, 639.)

*Louisville (Ky.) Exposition.*

*March 3, 1883.*

Whereas ample means have been provided for the holding, **during** the present year, in the city of Louisville, State of Kentucky, **of an** exposition of the products of agriculture, manufactures, and the **fine** arts; and

Whereas the objects of such an exposition should commend **them-**selves to Congress, and its success should be promoted by all **reasona-**ble encouragement, provided it can be done without expense to **the** general public; Therefore,

*Be it enacted, etc.,* That all articles which shall be imported for **the**

sole purpose of exhibition at the Southern Exposition at Louisville, Kentucky, to be held in the year 1883, shall be admitted without the payment of duty, or of customs fees or charges, under such regulations as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles as shall be sold in the United States, or withdrawn for consumption therein, at any time after such importation, shall be subject to the duties, if any, imposed on like articles by the revenue laws in force at the date of importation: *And provided further*, That in case any articles imported under the provisions of this act shall be withdrawn for consumption, or shall be sold without payment of duty as required by law, all penalties prescribed by the revenue laws shall be applied and enforced against such articles and against the persons who may be guilty of such withdrawal or sale.

SEC. 2. That medals, with appropriate devices, emblems, and inscriptions, commemorative of said Southern Exposition, and of the awards to be made to exhibitors thereat, be prepared at some mint of the United States, for the board of directors thereof, subject to the provisions of the fifty-second section of the coinage act of 1873, upon the payment of a sum not less than the cost thereof; and all the provisions, whether penal or otherwise, of said coinage act against the counterfeiting or imitating of coins of the United States shall apply to the medals struck and issued under this act.

SEC. 3. That with the approval of the director of the National Museum, any portion of the collections thereof may be exhibited at said Southern Exposition, permission to remove the same from the National Museum being hereby granted: *Provided*, That said removal can be made without loss or expense to the Government. And upon the same conditions permission is also granted for the exhibition of articles in charge of other Bureaus and Departments of the Government.

SEC. 4. That upon the passage of this act the Secretary of State shall notify the consuls, consular agents, and other representatives of our Government in foreign countries of the time and place of holding said Southern Exposition, together with the fact that all articles intended therefor will be admitted free of duty as provided herein.

(Stat., XXII, 481.)

#### FIREPROOFING SMITHSONIAN BUILDING.

March 15, 1882—House.

The SPEAKER (Mr. J. WARREN KEIFER) laid before the House a letter from Prof. Spencer F. Baird.

SMITHSONIAN INSTITUTION,  
Washington, D. C., March 13, 1882.

HON. J. W. KEIFER,

*Speaker of the House of Representatives.*

SIR: By instruction of the Board of Regents of the Smithsonian Institution, I have the honor to transmit to Congress the following resolution adopted at the last meeting of the board, January 11, 1882, and, in doing so, beg that it be referred to the

building of the Smithsonian Institution were visited and inspected. In this portion of the building are all the records and valuable documents belonging to the Institution. The interior is entirely of wood and illy arranged, making it especially unsafe and liable to accident from fire, thus endangering the entire building. As a matter of safety, this wing and corridor should be completely cleared out and rebuilt of fire-proof material, and furnished with improved modes of communication and egress.

Official extract furnished Prof. S. F. Baird.

WILLIAM TINDALL,  
*Secretary Commissioners District of Columbia.*

Referred to Committee on Appropriations.

(Printed as House Misc. Doc. No. 33.)

*August 2, 1882—Senate.*

Mr. JAMES B. GROOM offered an amendment to sundry civil bill that a board be appointed to examine public buildings in the District of Columbia. \* \* \* Smithsonian Institution, \* \* \* and if in their judgment any additional facilities are necessary for the extinguishment of fire or safety of the lives of the occupants, they are hereby authorized to provide the same, appropriating \$100,000 for this purpose.

Mr. WILLIAM B. ALLISON. I make the point of order on that.

Sustained.

*January 26, 1883—House.*

Estimates for 1884.

For completing the reconstruction in a fireproof manner of the interior of the eastern portion of the Smithsonian Institution, \$50,000.

*March 3, 1883.*

Sundry civil act for 1884.

For completing the reconstruction, in a fire-proof manner, of the interior of the eastern portion of the Smithsonian Institution, \$50,000.

(Stat., XXII, 628.)

*March 20, 1882—House.*

#### LECTURES.

Mr. WILLIAM D. KELLEY introduced a bill (H. 5326):

That hereafter annual courses of lectures shall be delivered in the city of Washington upon the arts and sciences illustrated in the National Museum.

SEC. 2. That the Secretary of the Smithsonian Institution, the Superintendent of the Coast Survey, the Director of the Geological Survey, the Superintendent of the National Experimental Garden at the Agricultural Department, the Chief of the Educational Bureau, the Director of the Army Medical Museum, the Director of the Mint, the Astronomer at the Naval Observatory, and one of the Chief Examiners of the Patent Office, to be named by the Secretary of the Interior, are hereby constituted a board of managers to execute the purposes of this act, with power to employ such lecturers, agents, and assistants as may be necessary to the proper fulfillment of the trust hereby created.

SEC. 3. That the use of the various museums and collections, and the lecture rooms attached, and the old Armory building is hereby granted for the lectures above named, so far as may be possible without interfering with the purpose of their creation, their

## GEOLOGICAL SURVEY BUILDING.

*April 10, 1882—House.*

Mr. WILLIAM S. SHALLENBERGER introduced a bill (H. 5781):

That the sum of \$200,000 be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, for the erection of a fireproof building on the south portion of the Smithsonian reservation for the accommodation of the United States Geological Survey and for other purposes: *Provided*, That the consent of the Regents of the Smithsonian Institution be first obtained thereto, and that the building be under their direction when completed: *And provided further*, That the building be erected by the Architect of the Capitol, in accordance with plans approved by the Director of the United States Geological Survey, the Secretary of the Smithsonian Institution, and the Architect of the Capitol, acting as a board therefor.

Referred to Committee on Public Buildings and Grounds.

*January 17, 1883.*

A resolution by the Regents of the Smithsonian Institution in relation to H. 5781:

*Resolved*, That the Board of Regents of the Smithsonian Institution recommend to Congress to enlarge the National Museum, so as properly to exhibit the mineral, geological, and other collections already on hand and increasing each year, by the erection of a fireproof building on the southwest corner of the Smithsonian Reservation, similar in style to the present National Museum; and they request an appropriation of \$300,000 therefor, to be expended under the direction of the Regents of the Institution.

(Journal Proc. Regents, Smithsonian Report for 1882, p. xii.)

## INTERNATIONAL EXCHANGES.

*April 15, 1882.—House.*

Message from the President of the United States, Chester A. Arthur (dated April 14), transmitting with commendation to the attention of Congress a report of the Secretary of State and its accompanying papers concerning the proposed establishment of an international bureau of exchanges.

*Report of the Secretary of State to the President.*

To the PRESIDENT:

The Secretary of State has the honor to lay before the President, with a view to its transmission to Congress, a letter from the Secretary of the Smithsonian Institution concerning the working of the present system of exchanges carried on by that Institution, and the practicability of the suggestion which has been made, that the scope of the Smithsonian Institution's bureau be enlarged so as to form an international bureau of governmental and scientific exchanges, under the supervision of the Department of State.

erary and scientific publications of all nations. This recommendation was reported to your predecessor in office, the Hon. Hamilton Fish, who requested that the Smithsonian Institution would act as the intermediary of the United States in carrying into effect the proposed system as embodied in the recommendation of the Paris congress, as above referred to.

Under date of January 10, 1879, the Smithsonian Institution received the following communication from the Department of State in reference to the proposed international exchange system:

“You are already aware of the desire of this Department to secure to the Smithsonian Institution the fullest liberty of action and the utmost enhancement of its utility without entailing any additional burden on its resources.”

You are of course informed that a number of other governments represented at the congress of Paris have seconded the recommendation in question, and have already adopted special means, by establishing bureaus of international exchange, to carry its provisions into effect. Among these governments are France, Belgium, Holland, Switzerland, Russia, and Italy.

Recognizing the enlightened action of the Paris congress in recommending a system of interchange of scientific and literary thought between the different peoples of the world, and acting in accordance with the expressed wish of the Department of State, the Smithsonian Institution at once set about the inauguration of the proposed system on behalf of the Government of the United States.

It was originally presumed that by interlacing with the regular established systems of exchanges of the Institution so successfully conducted for more than a quarter of a century the international system could be carried on at a very little outlay in addition to that required for the Smithsonian system. But this presumption did not prove to be a fact, the Institution finding, after two years' trial, that the expense attendant upon the execution of the request of the Department of State is far greater than was anticipated.

The Smithsonian Institution is therefore compelled to ask that an appropriation of \$7,000 be requested of Congress by the Department of State, for the purpose of carrying into effect the recommendation of the Paris congress on a scale in keeping with the high position of the United States among civilized nations and commensurate with the reputation of the Government for enlightened liberality in connection with the cause of general education.

I have the honor to be, very respectfully, your obedient servant,

SPENCER F. BAIRD,  
*Secretary of Smithsonian Institution.*

It now appears from the statements made in Professor Baird's letter that the expense of carrying out the exchanges in question is far greater than was anticipated, whereby an undue burden has been imposed upon the resources of the Smithsonian Institution; and Professor Baird therefore asks that an appropriation of \$7,000 may be made for the purpose of carrying out the recommendations of the Paris congress of 1875.

I may add that it is understood by this Department that the exchanges of literary and scientific publications in question are now carried on at the expense of the several governments which were parties to the congress of 1875, except in the case of this Government, which has imposed this important and useful work upon the Smithsonian Institution.

In view, therefore, of the reasons set forth by Professor Baird in a communication transmitted herewith; and in view of the great benefits which the Government, institutions of learning, public libraries, and men of science are receiving from the system of the exchange of literary and scientific publications inaugurated by the congress of 1875 at Paris, I beg to recommend that the appropriation asked for, as above indicated, may be made.

I have the honor to be, sir, your obedient servant,

WM. M. EVARTS.

*The State Department to the Smithsonian Institution.*

DEPARTMENT OF STATE,  
Washington, December 27, 1881.

Prof. SPENCER F. BAIRD,

*Secretary of the Smithsonian Institution.*

SIR: Referring to the reply of this Department of the 30th of October last to your letter of the 23d of that month, in relation to the exchange of Government and scientific publications with foreign countries, and referring also to the letter of this Department to the Senate Committee on Appropriations, dated the 31st of January last, on the same subject, I now beg to request you to furnish this Department with your views in relation to this matter, in form of a memorandum, to serve as the basis of a communication to Congress urging the appropriation of an amount sufficient to defray the expenses of international exchanges and of so organizing the work that it shall be done by the Smithsonian Institution, but under the Department of State and with its official cooperation. This arrangement seems to be desirable in order that the American bureau of exchanges may be on the same footing as those in Europe, where this business is conducted under the supervision of the foreign officers of the various countries which have entered into the international agreement in relation to exchanges.

of its own publications should in equity be paid by the United States Government, for the reason that the proceeds of these exchanges (now forming a library of about 100,000 volumes) are all deposited in the Congressional Library as soon as received.

(2) The system enables the several departments and bureaus of the Government to obtain valuable materials for their respective libraries by exchange of their publications for those of corresponding departments and bureaus of other governments, and which publications can be obtained only through exchange.

(3) The work of the Institution for the benefit of other establishments in this country is national in its character, tending greatly to advance general science and popular education.

Your predecessor in office, realizing this drain upon the resources of the Smithsonian, requested Congress for an appropriation of \$7,000, which was the estimated cost of the work at the time. An allowance, however, of only \$3,000 was granted. The money was placed in charge of the Interior Department, this disposition of it being made presumably at the instance of the Department of State, and as an indication of its preference to be relieved from further responsibility in the matter; and for this reason the Smithsonian Institution made direct application to Congress for an appropriation of \$5,000 for the coming fiscal year. This estimate, though entirely below the sum requisite for carrying on the work, was submitted as more likely to be allowed than a larger amount. I trust that if the Department of State is willing to continue its efforts in connection with the exchanges, it will ask for at least \$10,000 for the service. If it is desirable that the Smithsonian should also take charge of the Government and other exchanges now passing through the State Department, a still larger sum will be required.

It will be entirely agreeable to the Smithsonian Institution to prosecute the exchange system under the general direction of the Department of State, and thereby secure the services of consuls or foreign ministers of the United States in those countries where national bureaus of exchange have not yet been established.

Commending the subject to your early and careful consideration,  
I have the honor to be, etc.,

SPENCER F. BAIRD,  
*Secretary of Smithsonian Institution.*

As the amount (\$3,000) appropriated by Congress in assistance of the Institution for the last year (1881) had been placed under the direction of the Interior Department, the subject of the desired extension of Government aid was naturally referred to the honorable Secretary of the Interior for his opinion. The following communication expresses his entire approval of the project:

*Mr. Kirkwood to Mr. Frelinghuysen.*

DEPARTMENT OF THE INTERIOR,

*Washington, March 27, 1882.*

SIR: I have the honor to acknowledge the receipt of your communication of the 24th instant, touching the establishment of a bureau of international exchanges under the supervision of the Department of State, "the work of the bureau to be concentrated in the hands of the Smithsonian Institution, as the delegated agency of said Department," and in reply to say, that this Department has long felt the need of some improved method of conducting international exchanges, by which the more certain and speedy delivery of packages transmitted may be secured. The chief difficulties encountered under the present system result, in the first place, from the very limited number of dispatch agencies employed by the Department of State, restricting transmission of documents, etc., received from other departments and offices to the three cities, London, Paris, and Hamburg; and, secondly, from the delay which often attends the dispatch of packages through the Smithsonian Institution, many months frequently elapsing between the delivery of a package to the Institution and its reception abroad. In addition, the present system involves the trouble of keeping accounts, and of the presentation and payment of bills for transportation, whether packages are transmitted by the Department of State or by the Smithsonian Institution.

It is understood that under the new system proposed by you these difficulties will be avoided; that not only will it unify our system of international exchanges, and "assimilate it with that of other countries," but also that greater dispatch and certainty of delivery will be attained.

It is furthermore presumed that the appropriation to be made for this purpose will be adequate to meet the necessities of all the departments and offices of the Government, so that they will be relieved of all expense in the matter of transportation.

In view of the fact that the proposed arrangement seems to involve these advantages, I regard it as entitled to the approval of this Department.

I have the honor to be, etc.,

S. J. KIRKWOOD.

Report, etc., referred to Committee on the Library.

*August 20, 1883.*

*August 20, 1883.*

Hon. JOHN DAVIS,

*Acting Secretary of State.*

SIR: Among other subjects discussed by the Belgian conference was the right of the Smithsonian Institution to be considered as the agent of the United States Government in an international system of

exchanges; and I regret that Mr. Fish did not fully appreciate the fact that the selection of the Institution for the purpose in question was long since made formally, first, by direct enactment; secondly, by appointment by the Joint Library Committee of Congress; and, thirdly, by the State Department under the administration of Mr. Evarts.

I beg to present herewith a brief summary of the successive action in this connection.

The policy of a ~~direct~~ interchange of the official publications of the United States for those of foreign countries, was accepted and established by Congress in the act of March 2, 1867, by which a certain additional number of copies of all public documents was placed at the disposal of the Joint Library Committee, to be exchanged through the agency of the Smithsonian Institution for such works published in foreign countries, and especially by foreign governments, as might be deemed by said committee an equivalent, said works to be deposited in the Library of Congress.

There is, in addition to this, a statute (Rev. Stat., sec. 87, passed June 26, 1848), which authorizes the Joint Committee on the Library from time to time to appoint such agents as they may deem requisite to carry into effect the donation and exchange of documents and other publications placed at their disposal for the purpose.

In compliance with this statute, as also with the later one designating the Smithsonian Institution for the purpose in question, the Joint Library Committee of Congress appointed the Institution to the function; and its operations of exchange of public documents are carried on in its behalf, and of course for the benefit of the Congressional Library.

A further proof that Congress has officially committed to the Smithsonian Institution the charge of the international exchanges on the part of the Government, is shown by the wording of several appropriations passed at the last session of Congress and now available, as follows:

Treasury Digest of Appropriations for the fiscal year 1884:

(1) Joint resolution to print 5,000 copies of the report of the Board on behalf of the United States Executive Departments at the international exhibition of 1876; 200 copies are given to the Smithsonian Institution for distribution to such governments, and others, as made contributions from such exhibition to the National Museum. (Page 19.)

(2) Increase of Library of Congress, 1884: For expenses of changing [exchanging] public documents for the publications of foreign governments, \$1,000. (Page 20.)

This has been a continuous appropriation ever since 1867, and expended under the law of that year by the Smithsonian Institution in behalf of the Library of Congress.

(3) International Exchanges, Smithsonian Institution, 1884: For expenses of the international exchanges between the United States and foreign countries, in accordance with the Paris convention of 1877, including salaries and compensation of all necessary employees, \$7,500. (Page 36.)

It was at the special request of the Smithsonian Institution that the appropriation for the fiscal year of 1884 was placed under the heading of the State Department, the committee having actually transferred it from the estimates of that Department and ~~placed~~ it under the Interior. It was, however, distinctly understood by the committee that the expenditure was to be made by the Smithsonian Institution as in previous years, and in accordance with its organization of the service.

(4) War Department: Transportation of reports and maps to foreign countries, 1884.—For the transportation of reports and maps to foreign countries through the Smithsonian Institution, \$300. (Page 85.)

(5) Contingent and miscellaneous expenses, Naval Observatory, 1884: For payment to Smithsonian Institution for freight on observatory publications sent to foreign countries, \$336. (Page 133.)

Here the appropriation is made under the Navy Department, the preceding one under that of War.

It will thus be seen that appropriations are made under four of the several departments of the Government—Congress, State, War, and Navy—for the purpose of conducting the special exchanges in their interest respectively. The appropriation under the State Department is the more general, and is available for miscellaneous purposes.

In all these appropriations the Smithsonian Institution is mentioned either inferentially, as with the appropriation under the heading of the Library of Congress, or directly, as in those under the departments, as the special agency through whose system the work is to be done.

The question as to whether the Smithsonian Institution was designated by Congress to act as the medium of international exchange was asked by Sir Edward Thornton in 1876, in a letter printed on page 13, of the History of International Exchanges.<sup>1</sup> This inquiry, addressed to the Secretary of State, was transmitted to the Smithsonian Institution and answered by my predecessor, I presume to the satisfaction of the Department.

By reference to a letter of September 26, 1878, printed on page 18 of the document referred to, it will be seen that the Secretary of State notified the United States minister at Paris that, so far as the special domestic bureau of exchanges is concerned, it was considered "preferable to leave the work with the Smithsonian Institution rather than to replace it by the organization of a new bureau ad hoc in the Department of State, but that no objection is seen to entering into a common

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<sup>1</sup>Ex. Doc. No. 172, 47th Cong., 1st sess.

arrangement of international exchange, provided that the operations of the Institution be assimilated with those of the foreign bureaus, so as to enable it to act as though it were, for the special purpose in view, a bureau of the foreign department of this Government."

In a letter of January 10, 1879, page 22, Mr. Evarts renews his assurances of the desire of the "Department to secure to the Smithsonian Institution, in the event of its admission to the proposed international system, the fullest liberty of action, and the utmost enhancement of its utility, without entailing any additional burden on its resources."

On the 31st January, 1881, page 35, Mr. Evarts transmitted a communication from the Smithsonian Institution to the Senate Committee on Appropriations, asking for an appropriation of \$7,500, for the purpose of carrying out the recommendations of the Paris congress of 1875.

An appropriation of \$3,000 was actually passed for the services of the fiscal year 1882, but placed under the heading of the Interior Department. For 1883, the appropriation was \$5,000, under the Treasury; and for 1884, \$7,500.

In all cases, however, the wording of the law specifically referred to the Smithsonian Institution as the party by which the work was to be done, and, inferentially, through its present organization.

In conclusion, I beg, therefore, to claim that the Smithsonian Institution having been designated by Congress as the agent of international exchanges between the United States and other countries, by original law, by appointment of the Joint Library Committee of Congress under the law, and by the establishment of successive enactments, is *de facto* and *de jure* the appointed agent, and as such derives its authority from even a higher source than the nomination of the Department of State, and that as such it is empowered to treat with the corresponding agencies of other countries.

Very respectfully, your obedient servant,

SPENCER F. BAIRD,  
*Secretary.*

INTERNATIONAL EXCHANGES—ESTIMATES.

December 5, 1881—House.

Estimates for 1883.

International exchanges, \$5,000.

NOTE.—The Smithsonian Institution has been designated by the State Department as the official agent of the Government in prosecuting the exchanges in question.

October 21, 1882.

DEPARTMENT OF STATE.  
*Washington, October 21, 1882.*

Prof. SPENCER F. BAIRD,  
*Secretary of the Smithsonian Institution.*

SIR: In response to your letter of the 3d instant, I have the honor to inform you that under the general arrangement of international

exchanges, whereby the respective bureaus of exchange are connected with the foreign office of the several countries, it would seem more appropriate that the amount necessary to maintain the United States bureau should be asked for in the estimates of the Department of State. I inclose a draft of an item based on your suggestion, but stating also that the exchange is to be made by the Smithsonian Institution under the supervision of the Secretary of State.

I am, sir, your obedient servant,

FREDERICK T. FRELINGHUYSEN.

Item to be included in the State Department estimates.

For expenses of the international exchanges between the United States and foreign countries, to be effected by the Smithsonian Institution in accordance with the Paris convention of 1877, including salaries and compensation of all necessary employees, \$10,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of State.

*January 26, 1883—House.*

Estimates for 1884.

Library of Congress: For expenses of exchanging public documents for the publications of foreign governments, \$1,000.

For Smithsonian Institution, international exchanges, \$10,000.

#### INTERNATIONAL EXCHANGES—APPROPRIATIONS.

*August 5, 1882.*

Legislative, executive, and judicial act for 1883.

Library of Congress: For expenses of exchanging public documents for the publications of foreign governments, \$1,000.

(Stat., XXII, 224.)

Naval Observatory: For payment to Smithsonian Institution for freight on Observatory publications to be shipped to foreign countries during the fiscal year 1883, \$336.25.

(Stat., XXII, 245.)

*August 7, 1882.*

Sundry civil act for 1883.

War Department: For the transportation of reports and maps to foreign countries, through the Smithsonian Institution, \$300.

(Stat., XXII, 319.)

For expenses of the international exchanges between the United States and foreign countries, in accordance with the Paris Convention of 1877, including salaries and compensation of all necessary employees, \$5,000.

(Stat., XXII, 332.)

*March 3, 1883.*

Legislative, executive and judicial act for 1884.

Library of Congress: For expenses of exchanging public documents for the publications of foreign governments, \$1,000.

(Stat., XXII, 537.)

Naval Observatory: For payment to Smithsonian Institution for freight on Observatory publications sent to foreign countries, \$336.

(Stat., XXII, 555.)

*March 3, 1883.*

Sundry civil act for 1884.

Smithsonian Institution: For expenses of the international exchanges between the United States and foreign countries; in accordance with the Paris convention of 1877, including salaries and compensation of all necessary employees, \$7,500.

(Stat., XXII, 603.)

War Department: For the transportation of reports and maps to foreign countries, through the Smithsonian Institution, \$300.

(Stat., XXII, 618.)

#### FOREST PRESERVATION.

*May 4, 1882—Senate.*

Mr. JOHN SHERMAN introduced a bill (S. 1826):

That all of the public timbered lands adjacent to the sources of the navigable rivers and their affluents be withdrawn from public sale and entry, and that Maj. Gen. H. G. Wright, Chief of the Corps of Engineers, United States Army; Maj. Gen. William B. Hazen, commanding the Signal Corps; Dr. George B. Loring, Commissioner of Agriculture, and Prof. Spencer F. Baird, Secretary of the Smithsonian Institution, shall form a commission for the examination of the subject of the preservation and cultivation of woods and forests adjoining the sources of the navigable rivers and their affluents, for the purpose of preserving the same and increasing their growth by planting there and along the courses of the said rivers where the land is timberless, so that the said rivers may be kept in a navigable condition by promoting a continuous supply from their sources and affluents; the fact having become universally known that the destruction of the woods causes all countries to become arid and unprofitable deserts. \* \* \*

Referred to Committee on Agriculture.

*June 5, 1882—House.*

Mr. B. BUTTERWORTH introduced S. 1826.

Referred to Committee on Agriculture.

#### GLOVER ENTOMOLOGICAL PLATES.

*May 4, 1882.*

SMITHSONIAN INSTITUTION,<sup>1</sup>

*Washington, May 4, 1882.*

SIR: I am in receipt of your letter requesting an answer to certain questions with reference to the work on "American insects injurious

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<sup>1</sup> See Report (H. 1520).

or beneficial to vegetation," prepared by Professor Glover, the plates and manuscripts of which he wishes to sell to the United States.

Although not an entomologist, I can form an opinion in regard to the work, having been familiar with its purposes for many years. It consists of about 270 engraved copper plates, in octavo, representing many thousands of the insects injurious and beneficial to vegetation in the United States, and presented in various stages of growth and in their relationships to the plants or animals on which they feed or which they harbor. Although not claiming the most minute conditions of accuracy, I am assured that all the details necessary for the identification of the various species are given. I have therefore no hesitation in saying that I believe the book in question to be of great value to the agriculturist and that its publication and judicious distribution throughout the country would be of great importance. In view of its magnitude its publication by private enterprise is hardly to be thought of, and without assistance from the Government it will never likely see the light.

From my own experience, the cost of engravings on copper, like those constituting Professor Glover's plates, I am satisfied that \$100 each would be a very moderate estimate for reproducing them, including, as in this case, the original drawings, their transfer to copper, and the copper plate itself. Mr. Casilear, of the Bureau of Engraving and Printing, some years ago made his estimate the same as mine. I understand that Professor Glover is willing to take \$7,500 for the entire lot. It would be absolutely impossible to reproduce these engravings at anything like this sum. In this price is also included a large amount of text, more or less complete.

I do not doubt but that the work could readily be published by the Government so as to involve but little expense beyond that of the first cost of the plates.

The plates in question were some years ago stored by Professor Glover at the Smithsonian Institution, and are now in my custody.

I am, very respectfully, your obedient servant,

SPENCER F. BAIRD, *Secretary*.

Hon. E. M. VALENTINE,  
*Chairman Committee on Agriculture.*

August 7, 1882.

Sundry civil act for 1883.

For the purchase of the plates and manuscript on the insects of America from Professor Townend Glover, \$7,000.

(Stat., XXII, 333.)

#### ETHNOLOGY—CONTRIBUTIONS AND REPORTS.

June 12, 1882—House.

Mr. WILLIAM ALDRICH introduced joint resolution (H. 232):

That there be printed and bound at the Government Printing Office, for the use of the Department of the Interior, 2,500 copies each of volumes 2, 4, 5, 6, and 7 of Con-

tributions to North American Ethnology, and of the first, second, and third annual reports of the Bureau of Ethnology, in form and style uniform with the editions already ordered for the use of Congress.

Referred to Committee on Printing.

ETHNOLOGY—BULLETINS.

*February 1, 1883—House.*

Mr. OTHO R. SINGLETON, of Mississippi, submitted House concurrent resolution to print 3,000 each of the Bulletins of the Bureau of Ethnology of the Smithsonian Institution, numbers 1 to 12, inclusive, with the necessary illustrations, for the use of the Bureau of Ethnology.

Referred to Committee on Printing.

*March 3, 1883—House.*

Passed.

*March 3, 1883—Senate.*

Referred to Committee on Printing.

NATIONAL MUSEUM—EMPLOYEES.

*June 13, 1882—House.*

In considering the legislative and executive bill (H. 6244) for the year 1883, Mr. JOSEPH G. CANNON moved to strike out "And no civil officer, clerk, draughtsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employee shall hereafter be employed at the seat of government in any other office, or be paid from any appropriation made for contingent expenses or for any specific or general purpose, unless such employment is authorized and payment therefor specifically provided in the law granting the appropriation, and then only for services actually rendered in connection with and for the purposes of the appropriation from which payment is made."

Mr. JOHN D. C. ATKINS. \* \* \* I have been informed by the assistant clerk of the Committee on Appropriations that the amendment only has reference to the work upon the monument in this city and to the National Museum in this city.

Mr. CANNON. It is something more than that. It refers to the depot quartermaster, the General of the Army, and all officers of the Army and all officers in the District of Columbia who are not part and parcel of the Executive Departments.

Mr. ATKINS. Why should not the general restrictions of section 4 apply to the employees of the National Museum as well as to the Executive Departments?

Mr. CANNON. \* \* \* The technical words "Executive Departments" are used for the reason that they have a recognized meaning under the statutes. In the Revised Statutes you will find the Executive Departments designated State, Navy, War, etc. You will find the

different bureaus and subordinate offices also designated. But the National Museum is not a part or parcel of any Executive Department; therefore it does not come \* \* \* within the limitation of this clause.

Amendment of Mr. Cannon adopted.

#### NATIONAL MUSEUM—ESTIMATES.

*December 5, 1881—House.*

##### Estimates for 1883

For furniture and fixtures, \$60,000.

For heating and lighting, etc., \$6,000.

For the preservation of collections, \$75,000.

For Armory building, \$2,500.

For distribution of duplicate specimens, \$10,000.

For transfer of collections from Permanent International Exhibition, Philadelphia, \$7,500.

For printing and binding (included in Department of the Interior estimates), \$20,000.

For postage (included in Department of the Interior estimates), \$1,000.

#### SMITHSONIAN INSTITUTION,

*Washington, November 7, 1881.*

SIR: I would respectfully ask that the following memorandum in regard to the increase in the estimates for the service of the National Museum, in charge of the Smithsonian Institution, for the year 1883, over those for 1882, be inserted in the book of estimates:

The necessary reorganization of the National Museum, in consequence of the occupation of the new building furnished by Congress, affords opportunity for an increase of nearly tenfold in the amount of the material to be cared for, and necessitates a general increase for the general maintenance of the Museum. The arrangement of the collections in the new Museum building, and its formal opening to the public, can not be completed properly until toward the end of the fiscal year, and a largely increased expenditure will be required in the way of compensation of curators, specialists, watchmen, and other attendants. On this score the additional sum referred to is absolutely essential.

There is on hand a large amount of duplicate material collected by the several Government geological and other surveys and by the United States Fish Commission, of very great value in an educational point of view, and an item is included for the expense of identification, classification, and elimination of duplicates, and for their labeling and packing for distribution to colleges, academies, and museums throughout the United States.

Of the Permanent Exhibition in Philadelphia vast amounts of valuable contributions in the way of geological and mineralogical specimens, and of illustrations of the various industries of the country, have recently been presented to the United States, on condition of their transfer to and exhibition in the National Museum. For this, also, an estimate is made.

The estimate for distributing duplicates is the same as one made some years ago for a similar purpose, while that for the transfer of collections from the Permanent Exhibition in Philadelphia corresponds to an appropriation made by Congress in 1877 for a like transfer from the International Exhibition.

I have the honor to be, very respectfully, your obedient servant,  
 SPENCER F. BAIRD, *Secretary*.

Hon. S. J. KIRKWOOD,  
*Secretary of the Interior*.

*January 25, 1882—House.*

A communication from the Secretary of the Treasury transmitting the estimates of deficiency appropriations for the fiscal year ending June 30, 1882, and prior years, contained the item:

Furniture and fixtures for the National Museum: To expedite the work of constructing the exhibition cases in the new building for the National Museum during the present fiscal year, \$30,000.

NOTE.—For explanation of this estimate see letter of Professor Baird:

SMITHSONIAN INSTITUTION,  
 Washington, D. C., *January 14, 1882.*

SIR: I beg respectfully to request that the following item be inserted in the deficiency estimates now being made up by the Department for transmission to Congress, viz: To expedite the work of constructing the exhibition cases in the new building for the National Museum, \$30,000.

In explanation of this request, I would state that no actual deficiency exists, but that the sum above mentioned is required as an addition to the appropriation for furniture and fixtures for the present fiscal year (that of 1881-82), which has already been pledged for cases in course of construction under contract.

In this connection I would submit the following statements:

(1) About 250 cases have been arranged for, and for the most part delivered, affording an aggregate exhibition—and storage—capacity equal to 35,000 running feet of shelving 1 foot wide, or nearly 1 acre.

(2) These cases are contracted for to be delivered in an incomplete condition, it having been found cheaper to import glass and to purchase locks, hinges, and interior fittings for the same from the manufacturers. It has also been found that the cases can be finished, polished, and set up in a more satisfactory and economical manner by mechanics working under the personal supervision of the officers of the Museum than by contract.

(3) The Museum has now in its employ a considerable force of men who, by careful training, have gained experience indispensable to the proper performance of this work, and their discharge at the present time would render necessary the employment of unskilled labor when the work is resumed.

(4) A large quantity of plate and crystal glass for these cases, which was imported at a time when glass was much cheaper than at present, is now lying in the building, and unless this can be speedily used it is liable to deterioration. In

addition, other materials, as oil, paints, brushes, etc., on hand, are also liable to mishap.

(5) Although a large number of cases are provided for, the greater part of the immense floorspace is as yet uncovered. One of the peculiarities of the architecture of the building is that the 17 large halls are separated from each other by partitions composed entirely of exhibition cases, and particular attention has, therefore, been directed to building cases of this description; and many other special forms needed for immediate use are yet to be ordered.

(6) Not only will a delay in the completion of these additional cases enhance the difficulties in the way of a speedy opening of the Museum, but suspension of work thereon will be disastrous, since there are but a few manufacturers in the United States capable of building such cases satisfactorily and economically, and these, having but a limited capacity for work, can construct only a few at a time. The lumber requires to be kiln dried, and for this and other reasons the time for constructing a single lot of cases necessarily extends over a period of four or five months. Besides, glass must be imported and hardware for interior fittings must be specially constructed.

Moreover, the tendency at present to an advance in prices of skilled labor, lumber, iron, etc., renders it extremely desirable that contracts should be given out at a date as early as possible. Any delay will necessitate a discharge, by some of the manufacturers at least, of workmen specially trained for the work required by these cases.

(7) Should the cases now on hand not be immediately completed, the work of putting the specimens on exhibition will undoubtedly and necessarily be suspended for five or six months, and to this extent of time fulfillment of the general desire that the Museum shall be opened to the public at as early a day as possible will be delayed, while on the other hand, should these cases be finished at once it is believed that a large quantity of the most interesting material can be presented for the inspection of visitors before the approach of another winter.

I have the honor to be, very respectfully, your obedient servant,

SPENCER F. BAIRD, *Secretary*.

HON. SECRETARY OF THE TREASURY.

*December 4, 1882—House.*

Estimates for 1884.

For furniture and fixtures, \$60,000.

For heating, lighting and telephonic and electrical service, \$6,000.

For the preservation of collections, \$90,000.

For Armory building, \$3,500.

For procuring and making a standard collection of minerals for the service of the National Museum and the United States Geological Survey, \$30,000.

For postage (included in estimate for the Department of the Interior), \$1,700.

For printing and binding (included in estimate for the Department of the Interior), \$10,000.

*January 20, 1883.*

HON. CHAS. J. FOLGER,

*Secretary U. S. Treasury.*

SIR: I would respectfully request insertion of the following item in the deficiency estimates now being prepared by your Department for transmission to Congress, viz:

To hasten the completion of exhibition cases for the new building for the National Museum, \$30,000.

I would remark, by way of explanation, that no actual deficiency exists. The sum asked, however, is desired in addition to the appropriation for furniture and fixtures for the present fiscal year (1882-83), said appropriation being pledged for cases and fixtures in course of construction under contract.

I would state, further, that the cases necessary to fill the space of the new building will, if placed end to end, occupy a length of 12,500 feet, or nearly 2½ miles, of which a large proportion remain to be constructed.

The Museum has now in its employ a considerable number of skilled mechanics, who by careful training have derived that experience which is absolutely indispensable to the building and finishing of the required exhibition cases, and their discharge just now would render necessary the employment of unskilled labor when the work is resumed. In addition, large quantities of imported glass and of other materials necessary to the work of providing furniture and fixtures for the building are on hand, and should be speedily utilized to prevent possible deterioration in one way and another.

I have the honor to be, very truly, yours,

SPENCER F. BAIRD, *Secretary.*

*January 23, 1883.*

Hon. C. J. FOLGER,

*Secretary of the Treasury.*

SIR: I have the honor to submit the following estimate for a deficiency in the appropriations for the fiscal year ending June 30, 1883, and beg to request that you will transmit the same to Congress:

To complete the transfer and preparation of the Philadelphia collections presented to the United States at the close of the Permanent International Exhibition in Philadelphia, including necessary expenses already incurred, \$4,112.82.

I have the honor to be, your obedient servant,

SPENCER F. BAIRD,  
*Secretary Smithsonian Institution.*

#### NATIONAL MUSEUM—APPROPRIATIONS.

*March 6, 1882.*

Urgent deficiency act for 1882, etc.

Furniture and fixtures: To expedite the work of constructing the exhibition cases in the new building for the National Museum during the present fiscal year, \$30,000.

(Stat., XXII, 10.)

*June 26, 1882—House.*

Mr. FRANK HISCOCK, from the Committee on Appropriations, submitted a report (H. 1520) to accompany sundry civil bill for the

year 1882-83 (H. 6675) and the following statements of the Secretary of the Smithsonian Institution:

Pay roll of National Museum, April, 1882.

Grade.	Monthly salary.	Title.	
I.		Director .....	Nona.
II.	1 at \$225.00	Assistant director .....	\$225.00
	1 at 166.66	Curator.....	166.66
III.	4 at 150.00	.....do .....	600.00
IV.	1 at 125.00	Assistant curator .....	125.00
	1 at 125.00	Chief modeler .....	125.00
	1 at 125.00	Chief taxidermist .....	125.00
V.	2 at 100.00	Assistant, 2d class .....	200.00
	1 at 100.00	Chemist .....	100.00
	1 at 100.00	Registrar .....	100.00
	1 at 100.00	Artist.....	100.00
	1 at 100.00	Preparator.....	100.00
	1 at 100.00	Suprintendent of building .....	100.00
	1 at 100.00	Engineer .....	100.00
VI.	1 at 90.00	Assistant, 1st class .....	90.00
VII.	1 at 80.00	Clerk, 6th class .....	80.00
VIII.	3 at 75.00	Aid, 6th class .....	225.00
	1 at 75.00	Electrician .....	75.00
	1 at 65.00	Assistant taxidermist .....	65.00
XI.	2 at 60.00	Aid, 3d class .....	120.00
XIII.	2 at 50.00	Copyist, 6th class .....	100.00
	8 at 50.00	Mechanic .....	400.00
	9 at 50.00	Watchman, 3d class.....	450.00
	1 at 75.00	Fireman, 3d class.....	75.00
	3 at 50.00	Fireman.....	150.00
XV.	4 at 40.00	Copyist, 4th class .....	160.00
	1 at 40.00	Watchman, 1st class.....	40.00
	3 at 40.00	Attendant.....	120.00
	16 at 40.00	Laborer, 3d class.....	640.00
XVI.	2 at 35.00	Copyist, 3d class .....	70.00
XVII.	2 at 30.00	Copyist, 2d class .....	60.00
	1 at 30.00	Laborer, 1st class .....	30.00
	2 at 30.00	Attendant, 1st class.....	60.00
	2 at 30.00	Cleaner, 1st class.....	60.00
XVIII.	4 at 25.00	Copyist, 1st class.....	100.00
	2 at 25.00	Messenger, 3d class .....	50.00
	1 at 25.00	Assistant .....	25.00
XIX.	1 at 20.00	Messenger, 2d class .....	20.00
	91	Per month.....	5,481.66
		For year.....	65,179.92

Summary of estimated expenditure for the National Museum, fiscal year 1883.

For pay rolls, salaries, and labor.....	\$60,000.00
For freight.....	2,500.00
For materials and supplies for preserving specimens.....	2,500.00
For expenses for procuring specimens.....	1,000.00
For stationery .....	3,600.00
For cleaning materials, soap, brushes, ice, etc .....	1,000.00
For chemicals, glass, etc., for laboratory and other purposes.....	1,500.00
For apparatus, tools, and hardware.....	1,500.00
For purchase of books of reference.....	1,500.00
For incidentals.....	500.00
	75,000.00

Estimated expenditures for the National Museum on a permanent basis.

SCIENTIFIC.

Compensation of 1 assistant director, at \$250 per month.....	\$3,000
7 curators, at \$175 per month.....	14,700
4 assistant curators, at \$125 per month .....	6,000
4 assistants, at \$100 per month .....	4,800
2 chemists, at \$125 per month.....	3,000
Clerks and copyists (at from \$100 to \$25 per month) .....	6,000

*Estimated expenditures for the National Museum on a permanent basis—Continued.*

ADMINISTRATIVE.

Compensation of 1 superintendent of buildings, at \$125 per month.	\$1, 500	
1 registrar, at \$125 per month .....	1, 500	
1 chief modeler, at \$125 per month .....	1, 500	
1 chief taxidermist, at \$125 per month .....	1, 500	
2 artists, at \$100 per month .....	2, 400	
7 taxidermists and preparators (from \$100 to \$40 per month) .	6, 000	
2 stenographers, at \$100 per month .....	2, 400	
Clerks and copyists (from \$75 to \$30 per month) .....	2, 400	
2 janitors, at \$75 per month .....	1, 800	
12 watchmen, at \$50 per month .....	7, 200	
8 doorkeepers, at from \$40 to \$30 per month .....	3, 840	
15 laborers, at \$40 per month .....	7, 200	
Cleaners and sweepers (from \$35 to \$25 per month).....	3, 000	
Messengers, \$30 to \$15 per month.....	1, 500	
2 master carpenters, at \$75 per month.....	1, 800	
1 painter, at \$60 per month .....	720	
1 mason, at \$50 per month .....	600	
1 engineer, at \$100 per month .....	1, 200	
1 engineer, at \$75 per month .....	900	
4 firemen, at \$50 per month .....	2, 400	
1 electrician, at \$75 per month .....	900	
1 laborer, at \$50 per month .....	600	
1 telephone clerk, at \$35 per month.....	420	
1 telephone messenger, at \$30 per month.....	360	
		\$91, 140. 00
For fuel and gas.....	5, 550	
For freight.....	3, 000	
For materials and supplies for preservation of specimens .....	3, 000	
For procuring specimens.....	2, 500	
For stationery and blanks.....	3, 000	
For cleaning materials, ice, etc .....	1, 000	
For chemicals, glass, etc., for laboratory and other purposes.....	2, 000	
For apparatus, tools, and hardware.....	2, 000	
For purchase of necessary books of reference .....	2, 000	
For incidentals.....	1, 000	
		25, 000. 00
		116, 140. 00

August 5, 1882.

Deficiency act for 1882, etc.

To pay Thomas J. Hobbs for disbursing the appropriations for the construction of the National Museum building, under appointment of the Secretary of the Treasury of March 28, 1879, \$250, in full satisfaction therefor.

(Stat., XXII, 274.)

August 7, 1882.

Sundry civil act for 1883.

For cases, furniture, and fixtures required for the exhibition of the collections of geology, mineralogy, natural history, ethnology, and the

industrial arts belonging to the United States, and for salaries or compensation of all necessary employees, \$60,000.

For expense of heating, lighting, and telephonic and electrical service for the new museum building, \$6,000.

For the preservation and exhibition of the collections received from the surveying and exploring expeditions of the Government, and other sources, including salaries or compensation of all necessary employees, \$75,000.

For care of the Armory building and expense of watching, preservation, and storage of the duplicate collections of the Government and of property of the United States Fish Commission contained therein, including salaries or compensation of all necessary employees, \$2,500. And the distribution of duplicate specimens of the National Museum and Fish Commission may be made to colleges, academies, and other institutions of learning upon the payment by the recipients of the cost of preparation for transportation and the transportation thereof.

(Stat., XXII, 332.)

For expense of transferring to Washington the collections presented to the United States at the close of the Permanent International Exhibition in Philadelphia, including necessary expenses already incurred for the purpose, \$10,000.

(Stat., XXII, 333.)

*March 3, 1883.*

Sundry civil act for 1884.

For cases, furniture, and fixtures required for the exhibition of the collections of geology, mineralogy, natural history, ethnology, and the industrial arts belonging to the United States, and for salaries or compensation of all necessary employees, \$60,000.

(Stat., XXII, 628.)

For the preservation and exhibition of the collections received from surveying and exploring expeditions of the Government, and other sources, including salaries or compensations of all necessary employees, \$90,000.

For expense of heating, lighting, and telephonic and electrical service for the new Museum building, \$6,000.

For care of the Armory buildings and grounds, and expense of watching, preservation, and storage of the duplicate collections of the Government and of property of the United States Fish Commission contained therein, including salaries or compensation of all necessary employees, \$2,500. And the distribution of duplicate specimens of the National Museum and Fish Commission may be made to colleges, academies, and other institutions of learning upon the payment by the recipients of the cost of preparation for transportation and the transportation thereof.

(Stat., XXII, 629.)

*March 3, 1883.*

Deficiency act for 1883, etc.

To complete the transfer and preparation of the Philadelphia collections presented to the United States at the close of the Permanent International Exhibition in Philadelphia, including necessary expenses already incurred, \$4,112.82.

(Stat., XXII, 584.)

The accounting officers of the Treasury are hereby authorized to pass to the credit of Herbert A. Gill the sum of \$150, for services performed in connection with the National Museum during the second and third quarters of the fiscal year ending June 30, 1881.

(Stat., XXII., 589.)

DOCUMENTS.

*August 8, 1882—House.*

Mr. WILLIAM M. SPRINGER. I ask consent to offer the following resolution for present consideration.

Mr. JAMES A. MCKENZIE. I reserve the right to object. There is too much of this thing.

The SPEAKER (Mr. J. W. KEIFER). The resolution will be read.

The Clerk read as follows:

*Resolved*, That the Librarian of Congress, the Secretary of the Smithsonian Institution, and the superintendent of documents, Department of the Interior be, and they are hereby, requested to compile the laws and regulations now in force governing the printing and distribution of public documents, to prepare a tabulated statement showing the number of documents printed by order of the Forty-sixth and the first session of the Forty-seventh Congresses, and under general laws now in force, the distribution directed to be made of the same; to report what reduction should be made in the number of such documents, and present such other information at their command relating to public documents as will tend to promote judicious legislation, and submit the draft of a bill to provide for the printing and distribution of documents; and they shall report to the House at the beginning of the next session.

Mr. SPRINGER. I ask that this resolution be passed, as it will cost nothing whatever. These gentlemen are already in the employ of the Government, and they will be able to furnish much valuable information upon a very important subject. This information if received, as I believe it will be from them, will enable us to know the exact number of documents published by authority of law, their distribution, and the cost of the same. I move the previous question on the adoption of the resolution.

The previous question was ordered, and the resolution agreed to.

*December 22, 1882—House.*

Report presented by J. G. Ames, superintendent of documents in the Interior Department, A. R. Spofford, Librarian of Congress, and Spencer F. Baird, Secretary of the Smithsonian Institution, regarding the publication and distribution of public documents, in compliance

with the resolution of the House of August 8, 1882. (Miscellaneous Document No. 12.)

Referred to Committee on Printing.

*February 12, 1883—House.*

Mr. WILLIAM M. SPRINGER. At the last session of Congress the House passed a resolution requesting the Secretary of the Smithsonian Institution, the Librarian of Congress, and the superintendent of documents in the Interior Department to submit a report on the subject of the publication and distribution of public documents. The report has been received and referred to the Committee on Printing. The bill and joint resolution which I send to the Clerk's desk are those which the report recommends should be passed by Congress.

The following bill and joint resolutions were accordingly received, read a first and second time, referred to the Committee on Printing, and ordered to be printed:

A bill (H. 7555) to establish depositories and provide for the distribution of public documents.

Joint resolution (H. 339) providing for the preparation and distribution of pamphlet Laws and Statutes at Large;

Joint resolution (H. 340) providing for the distribution of the Congressional Globe and Records; and

Joint resolution (H. 341) providing for the sale of public documents.

#### STATUE OF JOSEPH HENRY.

*February 3, 1883—House.*

The SPEAKER (Mr. J. W. KEIFER) submitted a letter:

SMITHSONIAN INSTITUTION,  
Washington, D. C., January 17, 1883.

SIR: I have the honor to inform the House of Representatives that in accordance with the act of Congress of June 1, 1880 (Forty-sixth Congress, public act), providing that the Regents of this Institution be authorized to contract with W. W. Story, sculptor, for a bronze statue of Joseph Henry, late Secretary of the Smithsonian Institution, to be erected in the grounds of said Institution, the statue has been executed and received in Washington, and that Thursday, the 19th of April, has been selected as the day for the public unveiling of the same.

The Congress of the United States having ordered this statue and made the appropriation necessary therefor, the Board of Regents respectfully invite the Senate and House of Representatives to be present on the occasion of its formal presentation to the public.

I am, sir, very respectfully, your obedient servant,

SPENCER F. BAIRD,  
*Secretary Smithsonian Institution.*

Hon. J. W. KEIFER,  
*Speaker United States House of Representatives.*

Referred to Joint Committee on the Library.

*February 20, 1883—House.*

Mr. SAMUEL S. COX, of New York. The Regents of the Smithsonian Institution have invited this body and the Senate to be present at the inauguration of the Henry statue in April next. I ask consent to submit for consideration at this time a joint resolution meeting that invitation in a proper spirit, accepting the invitation of the Regents of the Smithsonian Institution to attend the inauguration of the statue of Joseph Henry.

The SPEAKER (Mr. J. W. KEIFER). The joint resolution will be read.

Whereas in a communication from Spencer F. Baird, Secretary of the Smithsonian Institution, Congress was informed that in accordance with the act of June 1, 1880, the bronze statue of Joseph Henry, late Secretary of the Smithsonian Institution has been completed; and

Whereas in the same communication Congress was respectfully invited to be present on the occasion of its formal presentation to the public upon Thursday, the 19th of April next: Therefore,

*Be it resolved, etc.,* That the said invitation be, and the same is hereby, accepted by the Senate and House of Representatives, and that the President of the Senate select seven members of that body and the Speaker of the House of Representatives fifteen members of that body to be present and represent the Congress of the United States upon the occasion of the presentation and inauguration of said statue.

Passed.

*February 20, 1883—Senate.*

Mr. GEORGE F. HOAR. I ask the honorable Senator from Illinois to permit the joint resolution (H. 356), which will pass as a mere matter of course, in regard to the attendance on the celebration of the inauguration of the Henry statue to be laid before the Senate and passed

The PRESIDING OFFICER (Mr. GEORGE F. EDMUNDS). Does the Senator from Illinois yield?

Mr. JOHN A. LOGAN. I have no objection if there is any desire about it.

Mr. HOAR. I ask unanimous consent that the joint resolution be laid before the Senate and be now passed. If there is any objection I shall withdraw it.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that a joint resolution received from the House of Representatives be now considered. It will be read for information.

The joint resolution (H. 356) accepting the invitation of the Regents of the Smithsonian Institution to attend the inauguration of the statue of Joseph Henry was read the first time at length.

Considered as in Committee of the Whole, reported without amendment and passed.

Mr. HOAR. The proper title is "Smithsonian Institution," but it is hardly worth while, I suppose, to make the amendment. It is correctly described in the body of the resolve.

*February 24, 1883.*

Joint resolution.

Whereas, in a communication from Spencer F. Baird, Secretary of the Smithsonian Institute, Congress was informed that in accordance with an act of June 1, 1880, the bronze statue of Joseph Henry, late Secretary of the Smithsonian Institution, had been completed; and whereas, in the same communication, Congress was respectfully invited to be present on the occasion of its formal presentation to the public upon Thursday the 19th of April next: Therefore, be it

*Resolved, etc.,* That the said invitation be, and the same is hereby, accepted by the Senate and House of Representatives; and that the President of the Senate select seven members of that body and the Speaker of the House of Representatives fifteen members of that body to be present and represent the Congress of the United States upon the occasion of the presentation and inauguration of said statue.

(Stat., XXII, 639.)

*February 28, 1883—House.*

The SPEAKER (Mr. J. WARREN KEIFER). In accordance with the provisions of the joint resolution of the House (H. 356) accepting the invitation of the Smithsonian Institution to attend the inauguration of the statue of Joseph Henry, approved February 24, 1883, the Chair announces the appointment of the following-named members to be present and represent the Congress of the United States on the part of the House of Representatives, as provided in said resolution, namely: Mr. John T. Wait, of Connecticut, Mr. William Aldrich, of Illinois, Mr. Thomas M. Browne, of Indiana, Mr. John A. Kasson, of Iowa, Mr. George M. Robeson, of New Jersey, Mr. John W. Candler, of Massachusetts, Mr. R. J. Walker, of Pennsylvania, Mr. A. H. Pettibone, of Tennessee, Mr. J. Proctor Knott, of Kentucky, Mr. J. Randolph Tucker, of Virginia, Mr. Andrew G. Curtin, of Pennsylvania, Mr. Randall L. Gibson, of Louisiana.

*March 3, 1883—Senate.*

Mr. GEORGE F. HOAR. Mr. President, I desire to make a statement to the Senate. Some weeks ago both Houses of Congress accepted the invitation of the Regents of the Smithsonian Institution to attend the unveiling of the statue of Professor Henry, and the Senate voted, in conjunction with the House, that a committee of a certain number of Senators—I think nine—and fifteen members of the House should represent the two Houses on the occasion. I am informed at the desk that the committee has not been appointed. I ask unanimous consent that the presiding officer be authorized to designate that committee after the adjournment, in case he shall not be able to do it before.

The PRESIDENT pro tempore (Mr. DAVID DAVIS). The Senator from Massachusetts asks unanimous consent that the presiding officer of the

Senate may be authorized after the adjournment to designate the committee on the part of the Senate to attend the ceremonies of the unveiling of the statue of Joseph Henry, which is to take place after the adjournment of Congress. Is there objection? The chair hears none, and it is so ordered.

After the adjournment of the Forty-seventh Congress, second session, the Vice-President appointed the following committee to represent the Senate at the unveiling of the statue of Professor Henry, on April 19, 1883: Mr. George F. Hoar, of Massachusetts, Mr. Eli Saulsbury, of Delaware, Mr. Samuel J. R. McMillan, of Minnesota, Mr. Joseph R. Hawley, of Connecticut, Mr. William Mahone, of Virginia, Mr. Omar D. Conger, of Michigan, Mr. James B. Groome, of Maryland.

[From Report of the Smithsonian Institution for 1883.]

In accordance with the previous arrangements, the statue was unveiled on Thursday afternoon, April 19, 1883, at 4 o'clock. The day was clear, mild, and propitious, and about 10,000 people assembled to witness the ceremonies.

The invited guests met in the lecture hall of the National Museum, and proceeded to the platform which had been erected around the statue. Gen. O. M. Poe, acted as chief marshal. The direction of the executive details of the occasion were assigned by Professor Baird to Mr. William J. Rhees, the Chief Clerk.

The following order of arrangement was adopted:

The President of the United States<sup>1</sup>; the Chief Justice of the United States, Chancellor of the Institution; the orator of the day, President Noah Porter, LL.D., of Yale College; the chaplain of the day, Rev. A. A. Hodge, D. D.; the family of Professor Henry.

The establishment of the Smithsonian Institution, viz, the Vice-President, Secretary of State, Secretary of the Treasury, Secretary of War, Secretary of the Navy, Secretary of the Interior, Postmaster-General, Attorney-General, Commissioner of Patents.

The Regents and Secretary of the Smithsonian Institution, and ex-Regents; the Joint Committee of the Senate and House of Representatives, appointed to represent Congress; the Diplomatic Corps; the Associate Justices of the Supreme Court of the United States; Judges of United States Courts; Claims Commissions; Judges of the supreme court of the District of Columbia; Senators and Members of the House of Representatives; Commissioners of the District of Columbia; the General and officers of the Army; the Admiral and officers of the Navy; ex-members of the Cabinet and ex-ministers of the United States; National Academy of Sciences; founders of the Henry trust fund for science; the Commissioner of Agriculture; the assistant secretaries of

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<sup>1</sup> The President was absent from the city at the time.

Departments; Solicitor-General and assistant attorneys-general; the United States marshal and officers of courts; the Light-House Board; the heads of Bureaus; the Superintendent of the Coast Survey, the Superintendent of the Naval Observatory, the Superintendent of the Nautical Almanac, the Director of the Geological Survey, the Librarian of Congress; the Commissioner of Public Buildings, the Architect of the Capitol, the Superintendent of the Government Printing Office, the Superintendent of the Botanical Gardens, the Visitors of the Government Hospital for the Insane; officers of the Senate and House of Representatives; Trustees of the Corcoran Gallery of Art; the Washington Monument Society; officers and employees of the Smithsonian Institution, Bureau of Ethnology, National Museum, and United States Fish Commission; alumni of the College of New Jersey, members of scientific organizations, etc.

While this procession was moving from the hall in the Museum building to the platform at the statue, the Marine Band, furnished through the courtesy of Hon. William E. Chandler, Secretary of the Navy, and of Colonel McCawley, commandant of the Marine Corps, played a grand march, "Transit of Venus," composed by J. P. Sousa, the leader of the band.

The following was the order of exercises:

- I. MUSIC—Marine Band (J. P. Sousa, conductor), "The Hallelujah Chorus" (Messiah), *Händel*.
- II. PRAYER—Rev. A. A. HODGE, D. D., of Princeton, N. J.
- III. ADDRESS—Chief Justice WAITE, Chancellor of the Institution.
- IV. UNVEILING THE STATUE.
- V. MUSIC (Philharmonic Society and full Marine Band, R. C. Bernays, conductor)—Grand chorus, "The Heavens are Telling" (Creation), *Haydn*.
- VI. ORATION—Rev. Dr. NOAH PORTER, president of Yale College.
- VII. MUSIC (J. P. Sousa, conductor)—Grand March Triumphale, "Schiller," *Meyerbeer*.

The Philharmonic Society was assisted by members of the Washington Operatic Association, the Rossini and Church Choir Choral societies, the Washington Sängerbund and Germania Männerchor. The arrangements for the music were made by a committee of the Philharmonic Society, of which Prof. F. Widdows was chairman. The chief of police furnished a detail for the grounds; Mr. Edward Clark, architect of the Capitol, supplied music stands and stools for the Marine Band; the Quartermaster's Department lent flags, and the Department of Agriculture living plants for decorating the platform. Mr. W. R. Smith, superintendent of the botanic gardens, also furnished floral decorations.

At the moment of unveiling the statue the news was telegraphed from an instrument on the platform, which had been placed there by Mr. L. Whitney, the superintendent of the Western Union Telegraph Company.

TURNER'S AND NELSON'S REPORTS ON ALASKA.

February 21, 1883—Senate.

Joint resolution (S. 134) considered:

*Resolved, etc.*, That the Public Printer be, and he is hereby, authorized to print and bind, for the use of the Signal Office, 2,000 copies of a report on the meteorology, geography, botany, and zoology of Alaska, by Lucien M. Turner; also, 2,000 copies of a report on the same subjects and on the ethnology of Alaska, by E. W. Nelson; and 2,000 copies of a report of observations on Mount Whitney relative to the absorption of the sun's heat by the earth's atmosphere, by Professor Langley; and he is also authorized to contract for the illustrations.

Debated at length.

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Mr. JOSEPH R. HAWLEY. Reference was made by the Senator from Kansas to a resolution referred to the Committee on Printing for the publication of certain reports upon entomology, etc., of Alaska, as if (one was compelled to infer from his remarks) an officer salaried by the Government had been detailed from his natural duties in the Signal Corps to go to Alaska to make these inquiries. Now, these are the very simple facts: The Smithsonian Institution inquired whether at a signal station in Alaska there were not men qualified to make some of these inquiries, or they may have been sent there upon ordinary duty; they were privates in the Corps; and it was at the request and suggestion of the Smithsonian Institution that these young men wrote these treatises and did this work.

Whether those things should be printed or not is a matter for the Smithsonian Institution to judge. It had better take them and print them as part of its own work. If it is part of its own work it is not part of the Signal Service business either to collect that kind of information or print it; but inasmuch as the duties of the private at stations require him only a portion of the day, and require exact, faithful, perfect performance of his duty at that time and full reports upon it afterwards, there is no harm whatever, but on the contrary good, if this young man has a taste for some of the natural sciences, in having him record his observations at the same time. There was no neglect of duty, and there was no special detachment, as I have been informed, for this matter came before the Printing Committee sometime ago, and I have heard about it at different times. There was no neglect of duty and no special detachment in the performance of the service.

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Mr. PRESTON B. PLUMB. If I wanted to make an adverse criticism on this Corps I would take the Senator's from Connecticut and not my own, because this information having been obtained entirely apart from their Signal Service duty it becomes necessary to have a lot of it printed for the use of the Signal Corps.

Mr. HAWLEY. I do not think it was. My opinion is that resolution

sleeps and will sleep in the Committee on Printing, and if the information should be printed, the Smithsonian Institution will have to attempt it within its own proper sphere. That shows, I think, that there was no abuse of the service in that particular matter.

REPORTS OF SMITHSONIAN INSTITUTION AND NATIONAL MUSEUM.

*February 24, 1882—House.*

Mr. HERMAN L. HUMPHREY introduced the following joint resolution (H. 144):

That the Public Printer be, and he hereby is, instructed to print and stereotype, from time to time, the regular number of 1900 copies of any matter furnished him by the Secretary of the Smithsonian Institution relative to the operations, researches, and explorations of the Institution and the National Museum, to be capable of being distributed in parts, and the whole to form annual volumes in quarto or octavo, as may be required, with suitable illustrations, to be made under the direction of the Joint Committee on Printing; the extra edition of said works to consist of 5,000 copies, of which 2,500 shall be for the use of the House of Representatives, 1,000 for the use of the Senate, and 1,500 for the use of the Smithsonian Institution, for distribution to public libraries and for exchange, the returns for which to be placed in the Library of Congress.

Referred to Committee on Printing.

*June 20, 1882—House.*

*March 1, 1882.*

Hon. R. T. VAN HORN,

*Chairman of Joint Committee on Printing,*

*House of Representatives.*

SIR: I beg to make the following statement in explanation of a resolution offered in the House a few days since (Feb. 24, 1882) in reference to the printing by Congress of certain volumes for the service of the Smithsonian Institution and the National Museum.

Since the Smithsonian began its labors it has prepared quite a number of important works of great scientific and practical value. These consist of papers and reports on the recent progress and present condition of our knowledge upon various scientific subjects, such as chemical technology, meteorology, general natural history, astronomy, geography, American antiquities, etc., etc., and constitute a series eagerly sought after as standard works by libraries throughout the United States. The edition printed is usually 1,500 copies, which are distributed—

(1) To the principal libraries of the United States which rank in proportion to the number of volumes already in their possession and the positions they hold within a certain district;

(2) To colleges and academies; and

(3) To scientific, technical, and industrial societies publishing transactions and furnishing copies of these in return.

A few special presentations are also made gratuitously to persons engaged in certain researches, covered by the original investigations relative to the subjects involved. Besides, with few exceptions, all

the libraries in the various Congressional districts which receive the Government publications through the Interior Department are on our books.

Our exchange of publications with societies covers the whole civilized world, and by this method the most valuable collection extant of transactions of societies and journals of all kinds has been concentrated in Washington. Its magnitude may be estimated from the fact that it now embraces nearly 100,000 volumes, in the pages of which are presented all the original announcements of discovery in theoretical and applied science, data being thus furnished for magazine articles, reviews, and text-books. While a library possessing these original sources of information from all parts of the world is admirably adapted for enabling inventors and students to keep pace with the progress of discovery in all countries, it also saves them an expenditure of time in unwillingly prosecuting investigations already elaborated and published. Comparatively few of these books, received as exchanges, can be purchased, the vast majority of these being obtainable in no other way than through a system of exchange, such as that which has been carried on by the Smithsonian for many years.

Thus the publishing fund is converted into books which are bartered for other books of a similar character, the result being a collection of works, to buy even a portion of which would require a sum much larger than the fund used in publishing.

The special plea for this application is:

(1) The scientific and educational value of the Smithsonian and National Museum publications;

(2) Their gratuitous distribution to the public libraries which have been established as recipients of Government publications;

(3) The fact that the whole of the library accumulated by the Smithsonian Institution in the manner above described is now a part of the Congressional Library, constituting one of its most important factors; and

(4) That all the additional receipts of books, through exchange or otherwise, are sent at once to the Library of Congress and are immediately incorporated therein.

The publications of the Smithsonian consist of an annual volume of the quarto series, entitled "Smithsonian Contributions to Knowledge," of which twenty-three have appeared; also an annual volume of "Miscellaneous Collections" (octavo), of which the same number have been issued, and the "Proceedings of the National Museum," of which four volumes are ready, together with the "Bulletins of the National Museum," whereof one only has thus far been issued, and several parts which appear separately.

I have the honor to be, very respectfully, your obedient servant,

SPENCER F. BAIRD,

*Secretary.*

*July 6, 1882—House.*

Mr. WILLIAM M. SPRINGER reported joint resolution (H. 144) offered by Mr. HERMAN L. HUMPHREY, February 24, 1882.

Mr. SAMUEL J. RANDALL. I hope the gentleman reporting this proposition will tell us the probable cost of this printing.

Mr. SPRINGER. I will; I have the figures here.

Mr. RANDALL. One of the greatest abuses connected with the Government is this unlimited printing, which is not only done under the action of Congress itself, but which permeates every department of the Government.

Mr. SPRINGER. I have here an estimate of the cost of printing these reports for several years past.

Mr. FRANK HISCOCK. Is this matter privileged over an appropriation bill?

The SPEAKER (Mr. J. WARREN KEIFER). The Committee on Printing has the right to report at any time and to have its reports considered.

Mr. HISCOCK. I call up the sundry civil appropriation bill.

The SPEAKER. The Chair thinks that the report from the Committee on Printing is in order now.

Mr. HISCOCK. Then I raise the question of consideration upon this report.

Mr. SPRINGER. This matter can be settled sooner than the question of consideration can be disposed of. I desire to state to the House——

Mr. RANDALL. The question of consideration is not debatable.

The SPEAKER. The gentleman from New York [Mr. Hiscock] raises the question of consideration against this report. The question is, Will the House proceed to the consideration of the joint resolution which has been read?

Mr. SPRINGER. I have no desire to press this matter against the wish of the House; I withdraw the report.

*July 28, 1882—House.*

Mr. W. M. SPRINGER, from the Committee on Printing, reported back with a favorable recommendation the joint resolution (H. 144) authorizing the Public Printer to print reports of the Smithsonian Institution and National Museum.

Mr. WILLIAM S. HOLMAN. I wish to inquire of the gentleman from Illinois [Mr. Springer] whether he thinks it is good policy to make this permanent appropriation for the publication of the works of this Institution without any further action of Congress? And does he deem it proper to extend the same principle to any other department of the Government?

Mr. SPRINGER. These publications of the Smithsonian Institution have become so well understood and reduced to such a system that it

is deemed advisable to regulate their printing by general law in order that there may be uniformity in the volumes printed and in the manner of their distribution.

I have here a communication from the Secretary of the Smithsonian Institution which I erroneously presented to the House on the 20th of June last in connection with another matter. It relates, however, to this joint resolution, but was by mistake printed heretofore in the Record in reference to another subject. If the gentleman desires it, I will have it read now, or it may be printed in the Record.

Mr. HOLMAN. I hope it will be read. I understood that the gentleman was opposed to these indiscriminate publications.

Mr. SPRINGER. I am, when they are inconsiderately made, but when they are reduced to a system I think the publications should be made permanent.

Mr. HOLMAN. The same argument would apply to all publications.

The SPEAKER (Mr. J. W. KEIFER). The communication will be read. [See House, June 20, 1882.]

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Mr. FRANK HISCOCK. How did this joint resolution come before the House?

The SPEAKER. It was reported regularly from the Committee on Printing.

Mr. HISCOCK. I move that the House now adjourn?

Mr. SPRINGER. I hope the gentleman will not insist on that motion now.

Mr. J. RANDOLPH TUCKER. I hope the House will not adjourn.

Mr. HOLMAN. I call for the regular order.

Mr. GEORGE W. STEELE. I desire to move that the House resolve itself into Committee of the Whole on the Private Calendar.

The SPEAKER. The question is on the motion to adjourn.

The question was taken; and upon a division there were—ayes 63, noes 51.

Before the result of the vote was announced,

Mr. WILLIAM ALDRICH called for the yeas and nays.

Mr. JULIUS C. BURROWS. Oh, no; it is too hot for that.

The question was taken upon ordering the yeas and nays, and there were thirty-five in the affirmative.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 99, nays 66, not voting 124, as follows:

YEAS.—Anderson, Armfield, Atherton, Atkins, Bayne, Bisbee, Blackburn, Blount, Brewer, Briggs, Browne, Buck, Buckner, Julius C. Burrows, Butterworth, Cannon, Chace, Samuel S. Cox, William R. Cox, Cullen, Curtin, Dawes, De Motte, Dezendorf, Dibrell, Dugro, Dunn, Evins, Forney, Garrison, N. J. Hammond, Harmer,

Benjamin W. Harris, Hatch, Hazleton, Hepburn, Abram S. Hewitt, Hiscock, Holman, Horr, House, Hubbell, Hutchins, Jadwin, Ketcham, Knott, Leedom, La Fevre, Mackey, Manning, McMillin, Moore, Morrison, Mutchler, Neal, Parker, Payson, Peirce, Pettibone, Randall, Ray, Reed, John B. Rice, William W. Rice, Rich, Robeson, William E. Robinson, Ross, Ryan, Scales, Seoville, Shultz, Simonton, A. Herr Smith, Dietrich C. Smith, J. Hyatt Smith, Stockslager, Stone, Strait, Talbott, Taylor, Thomas, P. B. Thompson, R. W. Townsend, Oscar Turner, Wadsworth, Wait, Ward, Warner, Washburn, Watson, White, Whitthorne, Thomas Williams, Willis, Willits, Wilson, George D. Wise.—99.

NAYS.—Aldrich, Belmont, Blanchard, Bliss, Bowman, Buchanan, Cabell, Campbell, Carpenter, Cassidy, Clements, Colerick, Converse, Crapo, Cravens, Culberson, Dingley, Ellis, Ermentrout, Errett, Sewell S. Farwell, Ford, George, Gunter, Hardenbergh, Henry S. Harris, Haseltine, Haskell, Henderson, George W. Jones, James K. Jones, Klotz, Lewis, Lord, Lynch, McClure, McKenzie, Mills, Morey, Muldrow, Norcross, Oates, Peelle, Phelps, Pound, Prescott, Reagan, Theron M. Rice, Ritchie, George D. Robinson, James S. Robinson, Shallenberger, Sherwin, Skinner, Spaulding, Springer, Amos Townsend, Tucker, J. T. Updegraff, Upson, Urner, Vance, Van Horn, Wellborn, West, Charles G. Williams.—66.

#### REPORT OF SMITHSONIAN INSTITUTION.

*March 15, 1882—Senate.*

Mr. GEORGE F. HOAR submitted concurrent resolution to print 15,560 copies of the Report of the Smithsonian Institution for 1881—2,500 for the Senate, 6,060 for the House, 7,000 for the Smithsonian Institution.

Referred to Committee on Printing.

*April 10, 1882—House.*

Mr. NATHANIEL C. DEERING introduced resolution to print 24,120 copies—5,000 for Senate, 12,120 for House, and 7,000 for the Smithsonian Institution. Referred to Committee on Printing.

*May 16, 1882—Senate*

Committee reported Mr. G. F. Hoar's resolution of March 15. Adopted.

*June 20, 1882—House.*

Mr. W. M. SPRINGER, from the Committee on Printing, reported Senate resolution of May 16, and recommended its adoption in lieu of the House resolution offered by Mr. Nathaniel C. Deering, April 10, 1882.

Agreed to.

*January 24, 1883—House.*

Mr. NATHANIEL C. DEERING, of Iowa, submitted concurrent resolution to print 15,560 copies of the report of the Smithsonian Institution for 1882; 2,500 for the Senate, 6,060 for the House, 7,000 for the Smithsonian Institution. Referred to Committee on Printing.

*February 20, 1883—House.*

Reported by Mr. R. T. VAN HORN. Passed.

*March 2, 1883—Senate.*

Passed.

## ILLUSTRATION OF THE REPORTS.

*June 6, 1882—Senate.*

Mr. HENRY B. ANTHONY submitted concurrent resolution that the Public Printer be authorized to contract for the engraving and lithographing illustrating the reports of the Coast and Geodetic Survey and of the Smithsonian Institution, heretofore ordered to be printed under the direction of the Joint Committee on Printing, without previous advertisement.

Referred to Committee on Printing.

*July 21, 1882—Senate.*

Mr. HENRY B. ANTHONY. The Committee on Printing, to whom was referred a concurrent resolution authorizing the Public Printer to contract for illustrating the Coast and Geodetic Survey report and the Report of the Smithsonian Institution, without previous advertising, have instructed me to report back the same with a bill [S. 2161] as a substitute and ask for its present consideration, as the documents are about to be printed.

*Be it enacted, etc.,* That the Public Printer be, and he is hereby, authorized to contract for the engraving and lithographing illustrating the reports of the Coast and Geodetic Survey, the Smithsonian Institution, the Department of Agriculture, and the Entomological Commission, under the direction of the Joint Committee on Printing and without previous advertisement.

Mr. JOHN SHERMAN. I do not think this bill, which involves a departure from the established policy of the Government to let out all contracts to the lowest bidder, ought to pass without some opportunity for consideration. I therefore object to its consideration.

The PRESIDENT pro tempore (Mr. DAVID DAVIS). The hour of 12 has arrived and the morning hour is closed. The Senator from Ohio objected to the consideration of the bill reported from the Committee on Printing, as the Chair understood, and the morning hour is closed.

## ARMY MEDICAL LIBRARY AND MUSEUM.

*February 28, 1883—House.*

Mr. W. S. SHALLENBERGER, from the Committee on Public Buildings and Grounds, reported (H. 1995) a bill (H. 7681) for the erection of a fireproof building in the city of Washington to contain the records, library, and museum of the Army Medical Department.<sup>1</sup>

Referred to Committee of Whole.

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<sup>1</sup> In the Smithsonian Park.

**FORTY-EIGHTH CONGRESS, 1883-1885.****SMITHSONIAN BUILDING—ESTIMATES.***December 3, 1883—House.*

Estimates for 1885.

For heating, gas fitting, plumbing, and furnishing the eastern portion of the Smithsonian Institution, \$15,000.

*December 1, 1884—House.*

Estimates for 1886.

For finishing and completing the furnishing of the eastern portion of the Smithsonian Institution, \$5,600.

For urgent and necessary repairs to the central and western portions of the Smithsonian Institution, \$15,200.

*February 9, 1885.—House.***SMITHSONIAN INSTITUTION,***Washington, February 9, 1885.*

SIR: I beg to submit herewith some explanations in regard to the two items in the estimates of appropriations connected with the buildings of the Smithsonian Institution. At the present time the entire edifice, with the exception of the eastern end, is occupied exclusively by the National Museum, this, including three large halls and some smaller ones, aggregating about 33,000 square feet of purely exhibition space, with the addition of a large number of offices and workrooms, amounting to about one-third of the space existing in the National Museum building. The law of Congress of 1846 directs the Regents of the Institution, in proportion as suitable arrangements can be made for their reception, to take charge of all objects of natural history, geology, art and industry, etc., then belonging or thereafter to belong to the United States. This had immediate reference to the collections then in the Patent Office and which occupied the whole of one of the main halls. In compliance with the urgent request of the Commissioner of Patents, expressed through the House Committee on Patents, the transfer was made in 1857, a large appropriation being made by Congress to fit up the rooms with cases and other requirements for their reception. It is to these exhibition rooms that the appropriation of \$15,200 asked for has reference.

The ceiling of one of the halls, 200 by 50 feet, has become loosened and threatens to fall and crush a large number of valuable glazed cases and, of course, with corresponding injury to the collections. Some of the cases require remodeling, so as more satisfactorily to exhibit the specimens contained in them, and a general renovation of the walls and ceilings is also required.

The floor of the lower hall, which is 200 by 50 feet, also requires renewal, having been worn out after a lapse of nearly forty years.

The office and other rooms used by the Smithsonian Institution in its work are exclusively contained in the eastern end of the building which has been recently reconstructed and rendered fireproof by Congressional appropriation. A large part of this is occupied entirely by offices of the Museum, and all its general administrative work is carried on therein, the Secretary, chief clerk, corresponding clerk, and disbursing agents having general direction of its affairs as well as those of the Institution, the National Museum building being one of preparation of specimens and their display.

Notwithstanding the very large portion of the Smithsonian building occupied exclusively by the National Museum, the general miscellaneous repairs of the edifice have been provided for from the Smithsonian fund; but the Institution is unable to meet the heavier expenditures from its fund of \$42,000 per annum.

In addition to the duty of administration of the National Museum, the Institution also has the direction of the system of international exchanges inaugurated by Congress in the interest of the Congressional Library, and maintained by annual appropriation and including the exchange of the official publications of the United States for those of other Governments with which this country is in diplomatic relationship. It also conducts the interchange of the publications of all learned and technical societies of the United States, and of the rest of the world, receiving and distributing an average of about 100,000 pounds of books every year each way, which represents a large part of the expenditures of its income entering into this exchange. The exchange of the publications of the Institution (printed entirely at the expense of its fund, as above) yields about 5,000 volumes annually of the most valuable and important original matter; all of which (together with the exchanges for the Government publications) is promptly transmitted to the Library of Congress. About 150,000 volumes have thus been added to the Congressional Library, and represent a very material proportion of the literary, scientific, and industrial value of that establishment.

More than one-fourth of the rooms in the eastern end of the Smithsonian building are occupied in connection with the service of preparation and distribution of this system of Government exchanges.

The appropriation of \$5,600 asked for is intended to meet the cost of plastering the ceilings, necessarily left unfinished; the completion of the heating apparatus; of gas fixtures, of coverings to stairways, and other necessary requirements for the public service.

Very truly, yours,

SPENCER F. BAIRD,  
*Secretary Smithsonian Institution.*

Hon. S. J. RANDALL,  
*Chairman Committee on Appropriations, etc.*

## SMITHSONIAN BUILDING—APPROPRIATIONS.

*July 7, 1884.*

Sundry civil act for 1885.

For finishing, heating, gas-fitting, plumbing, and completely furnishing the eastern portion of the Smithsonian Institution, and for finishing the fourth and fifth stories, including liabilities already incurred, \$15,000.

(Stat. XXIII, 214).

*March 3, 1885.*

Sundry civil act for 1886.

For finishing and completing the furnishing of the eastern portion of the Smithsonian Institution building, \$5,600.

(Stat., XXIII, 494.)

## ETHNOLOGY—ESTIMATES.

*December 3, 1883—House.*

Estimates for 1885.

For the purpose of continuing ethnological researches among the American Indians, under the direction of the Secretary of the Smithsonian Institution, including salaries and compensation of all necessary employees, \$50,000.

*December 1, 1884—House.*

Estimates for 1886.

For the purpose of continuing ethnological researches among the American Indians, under the direction of the Secretary of the Smithsonian Institution, including salaries or compensation of all necessary employees, \$50,000.

## ETHNOLOGY—APPROPRIATIONS.

*July 7, 1884.*

Sundry civil act for 1885.

For the purpose of continuing ethnological researches among the American Indians, under the direction of the Secretary of the Smithsonian Institution, including salaries and compensation of all necessary employees, \$40,000.

(Stat., XXIII, 214.)

*March 3, 1885.*

Sundry civil act for 1886.

For the purpose of continuing ethnological researches among the American Indians, under the direction of the Secretary of the Smithsonian Institution, including salaries or compensation of all necessary employees, \$40,000.

(Stat., XXIII, 494.)

INTERNATIONAL EXCHANGES—ESTIMATES.

*December 3, 1883—House.*

Estimates for 1885.

For expenses of the international exchanges between the United States and foreign countries, under the direction of the Smithsonian Institution, including salaries or compensation of all necessary employees, \$10,000.

*December 1, 1884—House.*

Estimates for 1886.

For expenses of the system of international exchanges between the United States and foreign countries, under the direction of the Smithsonian Institution, including salaries or compensation of all necessary employees, \$10,000.

INTERNATIONAL EXCHANGES—APPROPRIATIONS.

*July 7, 1884.*

Legislative, executive, and judicial act for 1885.

Library of Congress: For expenses of exchanging public documents for the publications of foreign governments, \$1,000.

(Stat., XXIII, 165.)

Naval Observatory: For payment to the Smithsonian Institution for freight on Observatory publications sent to foreign countries, \$336.

(Stat., XXIII, 184.)

Patent Office: For expenses of transporting publications of patents issued by the Patent Office to foreign governments, \$2,000.

(Stat., XXIII, 188.)

*July 7, 1884.*

Sundry civil act for 1885.

War Department: For the transportation of reports and maps to foreign countries through the Smithsonian Institution, \$300.

(Stat., XXIII, 220.)

*July 7, 1884.*

Consular and diplomatic act for 1885.

For the expenses of an international exchange of books, documents, and productions of the United States with foreign countries, in accordance with the Paris convention of 1877, including salaries and compensation to all necessary employees, to be expended under the direction of the Secretary of the Smithsonian Institution, \$10,000.

(Stat., XXIII, 235.)

*March 3, 1885.*

Sundry civil act for 1886.

For expenses of the system of international exchanges between the United States and foreign countries, under the direction of the Smith-

sonian Institution, including salaries or compensation of all necessary employees, \$10,000.

(Stat., XXIII, 494.)

War Department: For the transportation of reports and maps to foreign countries, through the Smithsonian Institute, \$200.

(Stat., XXIII, 507.)

*March 3, 1885.*

Legislative, executive, and judicial act for 1886.

Library of Congress: For expenses of exchanging public documents for the publications of foreign governments, \$1,000.

(Stat., XXIII, 394.)

Naval Observatory: For payment to Smithsonian Institution for freight on Observatory publications sent to foreign countries, \$336.

(Stat., XXIII, 415.)

Patent Office: For expenses of transporting publications of patents issued by the Patent Office to foreign governments, \$2,000.

(Stat., XXIII, 419.)

#### ARMY MEDICAL LIBRARY AND MUSEUM.

*December 10, 1883—House.*

Mr. WILLIAM S. ROSECRANS introduced a bill (H. 48):

That a brick and metal fireproof building, to be used for the safe-keeping of the records, library, and museum of the Surgeon-General's Office of the United States Army, is hereby authorized to be constructed upon the Government reservation in the city of Washington, in the vicinity of the National Museum and the Smithsonian Institution, on a site to be selected by a commission composed of the Architect of the Capitol, the Secretary of the Smithsonian Institution, and the officer in charge of the State, War, and Navy Department building, and in accordance with plans and specifications submitted by the Surgeon-General of the Army and approved by said commission, the cost of the building, when completed, not to exceed the sum of \$200,000; the building to be erected and the money expended under the direction and superintendence of the officer in charge of the State, War, and Navy Department building.

Referred to Committee on Public Buildings and Grounds.

*July 2, 1884—House.*

Mr. S. M. STOCKSLAGER reported H. 48 amended.

*February 16, 1885—House.*

Mr. S. M. STOCKSLAGER. I move to suspend the rules and pass the bill (H. 48) providing for the erection of a building to contain the records of the library and museum of the Medical Department, United States Army, with the amendments reported from the Committee on Public Buildings and Grounds.

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Mr. O. B. POTTER. Mr. Speaker, I confess I have the gravest doubts as to the propriety of this project. I think it will end in a

national library of medicine, a national collection of medical specimens, and finally a national college of medicine, here at the capital. It seems to me that if we are to do this we may just as well enter upon any other and all other branches of science, and erect buildings for them, and establish libraries, and gather specimens for them as national matters.

Now we have the finest medical colleges in our States, perhaps, in the world. There is one at Philadelphia, near where the Declaration of Independence was made and promulgated, and I have no doubt they will be glad to take and preserve all these specimens where they will be open to the inspection of medical scientists and students for all time to come. Our own library, which we are to build up I trust at no remote day, our national library, would be made all the richer by providing proper space in which these books may be placed. That disposition of them will save to the nation not only this \$200,000, but will prevent establishing a precedent the end of which I do not think any man can foresee.

It will do more than that, sir; this library and museum will end at last in a staff of officers to take care of it and at the national expense, and an annual appropriation will be demanded to support and continue it forever. I am one of those who believe the whole subject of education, except as to the local education of the people of this District, belongs to and will be best guarded, forwarded, and perfected to its great end by the States through their rivalry and competition in the pursuit of knowledge and science; but I do not see that the General Government should enter upon that field. I do not believe that we are to gain by preserving the relics and bones or wounds caused by the war at any one place in our capital. I wish they were all buried and covered all over with green grass and hidden from sight forever.

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Mr. P. B. THOMPSON, Jr. The only reason I have for opposing this bill grows out of the fact that I see no necessity for it and that I have heard no sufficient reason assigned for it by any of the gentlemen who advocate this measure.

The only reason given us for putting up this building is that there are belonging to the Surgeon-General's Department 52,000 volumes of important records, hospital records, etc. Now, these records, if they belong to the Surgeon-General's Office, do not properly belong to any library, but constitute part of the records of the War Department, of which the Surgeon-General's Office is merely one branch. And we are not told, nor has any gentleman undertaken to say, that the new War, State, and Navy Department building when completed will not furnish ample resources for the accommodation of the records we have.

Mr. STOCKSLAGER. With the gentleman's permission I will state—

Mr. THOMPSON. I have but three minutes and have not time to yield.

Furthermore, we have now in process of construction in this city what is known as the new Pension building, which covers acres of ground, and we are not told why these records, which relate indirectly to the Pension Office, can not be well taken care of in that enormous building which we are now constructing.

As far as the Medical Museum is concerned, I think we have ample means of accommodating everything which relates to that museum in the Smithsonian Institution.

We have further pending before this House a bill which has passed the Senate to construct a library building which will hold all the books the Government has. It seems to me one building is enough. We should deal with this matter not in detail for each separate department of the Government, but we should deal with it as a single question and construct one building sufficient to hold all the libraries and museums we need. Therefore I am opposed to the expenditure of this sum of money, because I believe it absolutely unnecessary.

The SPEAKER pro tempore (Mr. R. Q. MILLS). The time allowed in opposition to the bill has expired.

Mr. STOCKSLAGER. I yield two minutes to the gentleman from Massachusetts [Mr. Lyman].

Mr. THEODORE LYMAN. Medicine and surgery have done something to cure disease and to lengthen human life. They have done more to lessen suffering. They have done most of all to prevent disease. Most of the progress in these arts has been made during the last half century, and the next fifty years promises a great advance. All over the civilized world there are great establishments where men of talent devote their lives to the study of disease. These men have grappled with the general plagues that decimate our race—consumption, smallpox, diphtheria, cholera, and the typhoid, scarlet, and yellow fevers. They seek to know their intimate nature and to provide prevention and cure. There is no subject more baffling, and yet it is yielding to study. Already they have rendered it highly probable that these plagues are caused by the fertilization of microscopic germs within the body; so that these diseases are a death struggle between man and a parasitic fungus. But already we discern a hope that these germs may be used for inoculation, and may protect us from such diseases, just as vaccination protects against smallpox.

These profound studies, so essential to the welfare of our people, are carried on under the fostering care of our National Medical Museum, whose library, now the first in the world, and whose not less admirable collection of military pathology are placed at the disposal of all investigators. If our Fish Commission, Signal Service, and our

national surveys are worth preserving, then has the Medical Museum a double claim on our fostering care.

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Mr. J. F. FOLLETT. Mr. Speaker, the most magnificent medical museum and library in the world belongs to the Medical Department of our Army, and is to-day exposed in a building where no private individual owning such a library would permit it to remain for twenty-four hours. It has accumulated through the efforts of the medical fraternity of the United States and has cost the Government comparatively nothing.

In the museum department there are illustrations of the effects of gunshot wounds and injuries received in battle, such as medical students and the medical profession can have access to in no other way. That museum and library should be kept by itself, and should be kept in a building where it would not be exposed to danger by reason of its surroundings. To the medical fraternity of the United States it has been for years, and is now, an object of special solicitude that this property should be put in such a position as not to be constantly exposed to the danger of being lost or destroyed. The building in which it is now located has already begun to tumble to the ground. The rear wall is more than 12 inches out of plumb, and, as I said before, no private individual would think of leaving such property in such a building for any length of time.

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The question being taken on the motion of Mr. STOCKSLAGER to suspend the rules and pass the bill as amended, it was agreed to; there being—ayes 181, noes 23 (two-thirds voting in the affirmative).

*February 25, 1885—Senate.*

Mr. J. S. MORRILL. I am directed by the Committee on Public Buildings and Grounds to report favorably the bill (H. 48) providing for the erection of a building to contain the records of the library and museum of the Medical Department, United States Army.

I desire to say that if the committee had deemed it necessary to amend the bill they would have amended it by specifically providing for the location of the site, which, as they believe, should be at the corner of B street and Seventh street SW., for the reason that the Regents of the Smithsonian Institution have a title to the land round about the Smithsonian to the extent of 30 acres; and unquestionably within a very short time, probably less than half a dozen years, the museum there now will have to be doubled in order to contain even the amount of articles that are ready to go into it at the present time. I have conferred with two members of the commission, and I find that they would be both in favor of the location on the site mentioned by me—that is, on the corner of B and Seventh streets, SW. There-

fore we do not make any amendment. As the bill is very short, I will ask to have it read, for the purpose of asking its present consideration.

The PRESIDENT pro tempore (Mr. G. F. EDMUNDS). The Senator from Vermont asks unanimous consent that the bill reported by him from the Committee on Public Buildings and Grounds be now considered.

Mr. J. J. INGALLS. Is the morning business through?

The PRESIDENT pro tempore. It is not.

Mr. INGALLS. I ask for the regular order.

The PRESIDENT pro tempore. The regular order is called for. The bill will be placed on the calendar.

*February 26, 1885—Senate.*

Passed.

*March 2, 1885.*

*Be it enacted, etc.,* That a brick and metal fireproof building, to be used for the safe-keeping of the records, library, and museum of the Surgeon-General's Office of the United States Army, is hereby authorized to be constructed upon the Government reservation in the city of Washington, in the vicinity of the National Museum and the Smithsonian Institution, on a site to be selected by a commission composed of the Secretary of War, the Architect of the Capitol, and the Secretary of the Smithsonian Institution, and in accordance with plans and specifications submitted by the Surgeon-General of the Army and approved by said commission, the cost of the building, when completed, not to exceed the sum of \$200,000; the building to be erected and the money expended under the direction and superintendence of the Secretary of War.

SEC. 2. That the sum of \$200,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the commencement and completion of said building.

(Stat., XXIII, 339.)

#### APPOINTMENT OF REGENTS

*By the Speaker.*

*January 7, 1884—House.*

The SPEAKER (Mr. JOHN G. CARLISLE) announced the appointment of the following members of the House as Regents of the Smithsonian Institution, to date from the fourth Wednesday of December, 1883: Otho R. Singleton, of Mississippi, William L. Wilson, of West Virginia, William Walter Phelps, of New Jersey.

#### APPOINTMENT OF REGENTS

*By Joint Resolution.*

*February 8, 1884—Senate.*

Mr. N. P. HILL introduced a joint resolution (S. 58).

Referred to Committee on the Library.

*February 14, 1884—Senate.*

Mr. JOHN SHERMAN. I am directed by the Committee on the Library, to whom was referred the joint resolution (S. 58) filling an existing vacancy in the Board of Regents of the Smithsonian Institution, to

report it without amendment. As that Board is about to meet, and it is proper the matter should be disposed of, I will ask for the present consideration of the resolution. It will take but a moment.

Passed.

*February 25, 1884—House.*

Passed.

*March 3, 1884.*

*Resolved, etc.,* That the existing vacancy in the Board of Regents of the Smithsonian Institution, of the class "other than members of Congress," shall be filled by the reappointment of Noah Porter, of Connecticut, whose term of service has expired.

(Stat., XXIII, 269.)

*April 24, 1884—Senate.*

Mr. J. S. MORRILL introduced a joint resolution (S. 81).

Passed.

*May 9, 1884—House.*

Mr. OTHO R. SINGLETON. I hold in my hand a letter from Professor Baird, asking that a Senate bill and a joint resolution be passed in reference to a vacancy in the Board of Regents, and providing for appointment of an acting secretary. They are matters of course, and I ask unanimous consent to take them up and pass them.

Joint resolution (S. 81) to fill vacancy in Board of Regents by appointment of James C. Welling, passed.

*May 13, 1884.*

*Resolved, etc.,* That the existing vacancy in the Board of Regents of the Smithsonian Institution, of the class "other than members of Congress," occasioned by the resignation of Peter Parker, be filled by the appointment of James C. Welling, of the city of Washington.

(Stat., XXIII, 272.)

#### UNIVERSITY OF MEDICINE.

*January 11, 1884—Senate.*

Mr. WILKINSON CALL introduced a bill (S. 1044).

Referred to Committee on Education and Labor.

*May 9, 1884—Senate.*

Mr. W. CALL asked for consideration of bill (S. 1044):

*Be it enacted, etc.,* That the sum of \$1,000,000 be, and the same is hereby, appropriated, to be paid as hereinafter provided, as a perpetual endowment for a university of original research and of medicine as a part of the Smithsonian Institution, at the capital of the United States, in the District of Columbia.

SEC. 2. That the sum of \$100,000 be, and the same is hereby, appropriated, and the same shall be paid or expended at such times and in such amount as shall be directed by the President of the United States, for the erection of suitable buildings, as the same may be necessary, for the use of the said university of original research and of medicine as a part of the Smithsonian Institution, and to purchase ground for the same.

SEC. 3. That the interest on the said sum of \$1,000,000 shall be annually paid for salaries of the professors and for the expenses of such university, including the expense of experiments in all methods of treating disease, in testing and proving the effects of remedial agents of every kind, and for such hospitals as may be necessary for the purposes of such institution; the said expenses to be determined from time to time by the President of the United States and the trustees of such university.

SEC. 4. That the professors' chairs in said university shall be open to all schools of medicine and all methods of treatment and cure of disease.

SEC. 5. That the allopathic, homeopathic, and eclectic schools of medicine shall all be represented in the professors' chairs of said university, and free and impartial opportunity afforded for the scientific and practical proof of the value of each of such schools of medicine, and of their methods and processes, and for the proof of any and all new discoveries of remedial agents and methods of treatment, the end and purpose of the establishment of this university being to stimulate researches into all methods for the cure of disease, and to furnish scientific and practical evidence of the effects of all remedial agents, and to apply the severest processes of reason and experiment to all alleged discoveries and remedial agencies for the cure of disease and the relief of mankind from suffering and for the improvement of the public health.

SEC. 6. That the board of trustees shall decide what professorship shall be established; and whenever any system or method of cure of disease shall obtain any considerable hold on the public mind it shall be the duty of the said board of trustees to allow the professors of such system to appear at this university and submit the same to scientific examination and practical experiment and proof; and the expense of the same shall be paid out of the interest of the sum hereinbefore appropriated for the annual expenses of the university.

SEC. 7. That suitable hospitals for the treatment of diseases according to the methods of all systems, and for experiment with all remedial agents, shall be established and a careful and accurate record kept of all medicines administered, and the effect of the same, and an accurate and correct and minute statement made of the condition of the subject of the treatment, and of his disease and symptoms, and if the treatment or experiment is upon a person in good health, of his condition in this respect, to the end that facts may be gathered in such numbers as to afford a sound basis for reasonable conclusions in reference to all systems and remedial agencies, both those now known and such as may hereafter be discovered.

(No action.)

#### ETHNOLOGY—REPORTS.

*January 24, 1884—Senate.*

Mr. JOHN A. LOGAN introduced a joint resolution (S. 47) for printing the fourth and fifth annual reports of the Bureau of Ethnology.

Referred to Committee on Printing.

*January 29, 1884—House.*

Mr. O. R. SINGLETON introduced joint resolution (H. 137) for printing the fourth and fifth annual reports of the Bureau of Ethnology.

Referred to Committee on Printing.

*March 21, 1884—House.*

Mr. W. F. ROGERS, from Committee on Printing reported:

The committee find upon investigation that the number provided in said resolution is the number printed annually since the organization of the Bureau. These annual reports embrace the aggregate results in a popular form of the progress and researches of the Bureau, and are designated for general distribution to schools, libraries, and collaborators of the Bureau.

The cost of illustrations for these reports has been materially reduced by the method of photolithographing. The estimated cost of printing the 15,000 additional copies is \$24,138.60.

Referred to Committee of the Whole.

*April 19, 1884—House.*

H. 137 passed.

*June 20, 1884—Senate.*

Mr. J. R. HAWLEY. I am directed by the Committee on Printing to report the joint resolution (S. 47), for printing the annual reports of the Bureau of Ethnology adversely, and move its indefinite postponement, to be followed by concurrence in a House joint resolution on the same subject.

The PRESIDING OFFICER (Mr. GEORGE F. EDMUNDS). The question is on the motion to indefinitely postpone the joint resolution.

Agreed to.

Mr. HAWLEY. I report from the same committee the joint resolution (H. 137) for printing the annual reports of the Bureau of Ethnology, favorably, with amendments.

The Senate, as in Committee of the Whole, considered the joint resolution.

The first amendment reported by the committee was in line 4, after the word "the," where it first occurs, to insert "fourth and fifth," so as to read:

That there be printed at the Government Printing Office 15,000 copies of each of the fourth and fifth annual reports of the Director of the Bureau of Ethnology, with accompanying papers and illustrations.

Mr. HAWLEY. The resolution as it came from the House made a permanent order for the printing of these reports. That is not the present policy of Congress. It is to order printing as it comes from year to year. We confine the resolution to the fourth and fifth volumes, which are on hand. That is the meaning of the amendment.

Agreed to.

The next amendment was after the word "illustration," in line 6, to strike out "beginning with the report for the fiscal year ending June 30, 1883."

Mr. HAWLEY. That is in pursuance of the purpose I have just indicated, to make it an appropriation for the current work, and not a permanent appropriation.

Agreed to.

The next amendment was, in line 9, before the word "thousand," to strike out "two" and insert "three;" after the word "thousand," to insert "of each;" and in the same line, after the word "Senate," to strike out "eight" and insert "seven," so as to read:

And uniform with the preceding volumes of the series, of which 3,000 of each shall be for the use of the Senate, 7,000 for the use of the House of Representatives, and 5,000 for distribution by the Bureau of Ethnology.

Mr. F. M. COCKRELL. I would suggest that 3,000 ought to be 3,500 for the Senate, to keep up what has been considered the proper respective numbers to be allotted to the Senate and the House. The Senate should have one-half as many as the House. Make it 3,500 for the use of the Senate and 7,000 for the use of the House.

Mr. HAWLEY. The committee changed it to very nearly one-half each.

Mr. COCKRELL. Let us have it exactly one-half. I move to amend the amendment by making the number 3,500, instead of 3,000, for the Senate.

The PRESIDING OFFICER. The Senator from Missouri moves to amend the amendment of the Committee on Printing by striking out "3,000" and inserting "3,500."

The amendment to the amendment was agreed to.

The joint resolution was reported to the Senate as amended, the amendments were concurred in, and the resolution passed.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Connecticut to the fact that the total number of copies provided for in the joint resolution is 15,000, while the distribution provided calls for 15,500.

Mr. HAWLEY. That is a mere correction of figures. Let the correction be made to correspond with the subsequent amendments.

The PRESIDING OFFICER. The correction will be made in line 4 after the word "thousand" by inserting "five hundred," so as to read:

That there shall be printed at the Government Printing Office 15,500.

*June 24, 1884—House.*

Passed as amended.

*June 26, 1884.*

*Resolved, etc.,* That there be printed at the Government Printing Office 15,500 copies of each of the fourth and fifth annual reports of the Director of the Bureau of Ethnology, with accompanying papers and illustrations, and uniform with the preceding volumes of the series; of which 3,500 of each shall be for the use of the Senate, 7,000 for the use of the House of Representatives, and 5,000 for distribution by the Bureau of Ethnology.

(Stat., XXIII, 275.)

*February 18, 1885—Senate.*

Mr. WILKINSON CALL introduced a joint resolution (S. 127) to authorize the printing of the sixth and seventh annual reports of the Bureau of Ethnology. Referred to Committee on Printing.

*February 19, 1885—House.*

Mr. WILLIAM M. SPRINGER introduced joint resolution (H. 339):

That there be printed at the Government Printing Office 15,500 copies each of the Sixth and Seventh Annual Reports of the Director of the Bureau of Ethnology, with accompanying papers and illustrations, and uniform with the preceding volumes of the series; of which 3,500 shall be for the use of the Senate, 7,000 for the use of the House of Representatives, and 5,000 for distribution by the Bureau of Ethnology.

Referred to Committee on Printing.

*February 26, 1885—Senate.*

Mr. C. F. MANDERSON. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. 127) to authorize the printing of the reports of the Bureau of Ethnology, to report it without amendment, and I ask for its present consideration.

The Senate, as in Committee of the Whole, considered joint resolution.

Mr. F. M. COCKRELL. I wish to ask a question in regard to this matter. I should like to ask the Senator from Nebraska, the chairman of the Committee on Printing, why it is that the previous volumes of this work have not been furnished us for distribution? They were ordered to be printed, it seems to me, a year or two ago. I have constant applications for them and they are not in the document room. Is there any reason known why they should not have been furnished long ago?

Mr. MANDERSON. There is none known to me. The consideration of that matter did not come before the committee in connection with this joint resolution. It may be that the volumes are not yet issued from the Printing Office. I shall be very glad to make inquiry for the Senator.

Passed.

*February 26, 1885—House.*

Mr. WILLIAM F. ROGERS, from Committee on Printing, reported joint resolution (H. 339). Passed.

*February 26, 1885—Senate.*

H. 339, passed.

*February 27, 1885—Senate.*

House requested to return resolution (S. 127) to print sixth and seventh reports Bureau of Ethnology.

*February 28, 1885—Senate.*

Reconsidered resolution (S. 127) and referred to Committee on Printing.

*March 2, 1885.*

*Resolved, etc.,* That there be printed at the Government Printing Office 15,500 copies each of the Sixth and Seventh Annual Reports of the Director of the Bureau of Ethnology, with accompanying papers and illustrations, and uniform with the preceding volumes of the series; of which 3,500 shall be for the use of the Senate, 7,000 for the use of the House of Representatives, and 5,000 for distribution by the Bureau of Ethnology.

(Stat., XXIII, 519.)

*March 3, 1885—Senate.*

S. 127 postponed indefinitely.

## NATIONAL MUSEUM—SUNDAY OPENING.

*March 24, 1884—House.*

Mr. WILLIAM S. ROSECRANS presented a petition of residents of the District of Columbia that the National Museum be opened on Sundays the same hours as on week days. Referred to Committee on District of Columbia.

## NATIONAL MUSEUM—TRANSPORTATION.

*July 5, 1884.*

Army act for 1885.

*Provided also,* That hereafter the Quartermaster-General and his officers, under his instructions, wherever stationed, shall receive, transport, and be responsible for all property turned over to them, or any one of them, by the officers or agents of any Government survey, for the National Museum, or for the civil or naval departments of the Government, in Washington or elsewhere, under the regulations governing the transportation of Army supplies, the amount paid for such transportation to be refunded or paid by the Bureau to which such property or stores pertain.

(Stat., XXIII, 111.)

## NATIONAL MUSEUM—REPORT.

*July 7, 1884.*

Sundry civil act for 1885.

The Director of the National Museum is hereby directed to report annually to Congress the progress of the Museum during the year and its present condition.

(Stat., XXIII, 214.)

## NATIONAL MUSEUM—ESTIMATES.

*December 3, 1883—House.*

Estimates for 1885.

For construction, in a fireproof manner, of an additional museum building, to receive the collections and laboratories in chemistry, geology, mineralogy, metallurgy, taxidermy, etc.; and for the offices and laboratories of the United States Geological Survey, to be erected under the direction and supervision of the Regents of the Smithsonian Institution, on the southwest corner of the grounds of the Smithsonian Institution, \$200,000.

For the erection of a fireproof brick storage building east of the National Museum for receiving, unpacking, assorting, and storing the natural-history collections of the Government; to replace the wooden structures now used for the purpose, \$10,000.

For covering coal vaults and sidewalk on south and east fronts of National Museum building, \$1,000.

For the preservation, exhibition, and increase of the collections received from the surveying and exploring expeditions of the Government and other sources, including salaries or compensation of all necessary employees, \$95,000.

For transfer and arrangement of the collections of the American Institute of Mining Engineers, presented to the Government, \$10,000.

For the preparation and installation of duplicate specimens belonging to the United States, for deposit with such State or national expositions as may be authorized by Congress to receive them, \$5,000.

For care of the Armory buildings and grounds, and expense of watching, preservation, and storage of the duplicate collections of the Government, and the property of the United States Fish Commission contained therein, including salaries or compensation of all necessary employees, \$3,500.

For cases, furniture, and fixtures required for the exhibition of the collections of the United States National Museum, and for salaries or compensation of all necessary employees, \$60,000.

For expense of heating, lighting, and telephonic and electrical service, \$6,000.

For printing and binding (through the Secretary of the Interior), \$10,000.

For postage (through the Secretary of the Interior), \$3,000.

*December 1, 1884—House.*

*Estimates for 1886.*

For the erection of a fireproof building for storing the alcoholic collections of the National Museum, \$15,000.

NOTE.—The safety of the interior of the National Museum and the Smithsonian building is endangered by the large number of alcoholic specimens kept therein, and it is considered by public museums, both at home and abroad, very important to have a separate building for their reception and preservation. There are at present no suitable accommodations for these collections.

For expense of heating, lighting, and telephonic and electrical service for the National Museum, \$10,000.

For the preservation, exhibition, and increase of the collections received from the surveying and exploring expeditions of the Government, and from other sources, including salaries or compensation of all necessary employees, \$110,000.

NOTE.—Much complaint has been made by employees of the Museum and their friends that the salaries paid are so much below the Government standard, and the increase of the present estimate over that for the fiscal year 1885 is intended to make up the difference. The average of payment at the present time is \$60 per month for each individual, while that for the Department of Agriculture, representing about the same average of employees, is \$81 per month for each person employed. More than sixty persons in the Museum are greatly underpaid.

CONGRESSIONAL PROCEEDINGS.

or care of the Armory building and its grounds, and for the use of watching, preservation, and storage of property of the National Museum and of the United States Fish Commission contained therein, including salaries or compensation of all necessary employees, \$2,500.

or cases, furniture, and fixtures required for the exhibition of the collections of the United States National Museum, and for salaries or compensation of all necessary employees, \$50,000.

November 21, 1884.

December 21, 1884.

Sir: I beg to inclose herewith an item to refund to Messrs. Semon Bache & Co., of New York, \$3,562.56 for duties on sundry lots of glass furnished by them for cases for the United States National Museum from their stock, and to respectfully request that the same be incorporated in the general deficiency estimates shortly to be submitted to Congress by the Treasury Department.

In explanation of this item I would state that from time to time, for several years past, the Treasury Department, at our request, has granted free permits for incoming glass to offset that furnished from stock to the National Museum, and for the New Orleans, Cincinnati, and Louisville expositions, by the firms in question, but that in (?) last an order was issued by the Treasury Department, declining to grant further permits unless the glass came directly from the glass-houses to this city. The amount of duties now asked to be refunded we have found to be correct, and covers the entire liability of the Government on this account, to the firm mentioned, to the present day.

I have the honor to be, sir, very respectfully yours,

SPENCER F. BAIRD, *Secretary*.

Wm. HUGH McCULLOCH,

*Secretary of the Treasury.*

Amount of duty to Semon Bache & Co.: To refund the duty paid by Semon Bache & Co., from imported stock furnished to the National Museum and the New Orleans, Louisville, and Cincinnati expositions for exhibition cases, \$3,562.56.

January 24, 1885—House.

Deficiency estimates for 1885.

To pay sundry bills for miscellaneous fixtures and for glass for exhibition cases for the National Museum, being for the service of the fiscal year ending June 30, 1884, \$2,891.42.

To meet expenses of receiving, packing, transporting to Washington, installing or storing such new specimens and collections as may be presented to the United States at the New Orleans Exposition, to be available for the fiscal years ending June 30, 1885 and 1886, \$10,000.

To cost of restoring the collections sent to the New Orleans Exposition to their proper places in the National Museum, including repair

CONGRESSIONAL PROCEEDINGS.

paving sidewalk on south and east fronts of National Museum building, \$1,000.

., XXIII, 209.)

1884.

Deficiency act for 1884, etc.

refund the duty paid by L. Strauss & Sons, May 23, 1879, upon a vase presented by them to the National Museum, \$210.50.

., XXIII, 246.)

1885.

Sundry civil act for 1886.

expense of heating, lighting, and telephonic and electrical service in the new Museum building, \$9,000.

for the preservation and exhibition and increase of the collections derived from the surveying and exploring expeditions of the Government, and other sources, including salaries or compensation of all necessary employees, \$95,000.

for the care of the Armory building and grounds, and expense of cleaning, preservation, and storage of the property of the National Museum and of the United States Fish Commission contained therein, including salaries or compensation of all necessary employees, \$2,500. for cases, furniture, and fixtures required for the exhibition of the collections of the United States National Museum, and for salaries and compensation of all necessary employees, \$40,000.

., XXIII, 501.)

1885.

Deficiency act for 1885, etc.

for payment to the credit of the Union Pacific Railway Company (as Division) for transportation furnished January 10, 1876, on account of the ethnological exhibit of the Smithsonian Institution at the International Exhibition, Philadelphia, 1876, \$33.40.

., XXIII, 452.)

to pay sundry bills for miscellaneous fixtures and for glass for exhibition cases for the National Museum, being for the service of the year ending June 30, 1884, \$2,891.42.

to meet expenses of receiving, packing, transporting to Washington and installing, or storing, such new specimens and collections as were presented to the United States at the New Orleans Exposition, to be available for the fiscal years ending June 30, 1885 and 1886,

for the cost of restoring the collections sent to the New Orleans Exposition to their proper places in the National Museum, including repairs and renewal of glass, to be available for the fiscal years ending June 30, 1885 and 1886, \$2,500.

., XXIII, 463.)

who are entitled to be admitted to the floor of the Senate for any reason, either as a matter of usefulness or as a matter of courtesy, I shall have no objection, but I do not care to have the name of any officer coupled with this officer. He is entitled to be here as the head of a Department, as he always has been here until the present session of the Senate, when, by some new and, I think, very strained construction of the rule, he has been excluded, although the language of the rule remains precisely as it had been since time immemorial.

Mr. MORRILL. I shall not embarrass the Senator, but I give notice that after the action of the Senate upon the amendment proposed by him I shall move to further amend the rule as I have suggested.

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The President pro tempore (Mr. GEORGE F. EDMUNDS). The question is on the amendment proposed by the Senator from Kansas [Mr. Plumb].

The amendment was agreed to.

Mr. MORRILL. I now move to amend the rule by inserting after "the Architect of the Capitol extension" "the Secretary of the Smithsonian Institution."

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Vermont.

Mr. JOHN J. INGALLS. I move the reference of that to the Committee on Rules.

The PRESIDENT pro tempore. The Senator from Kansas moves that this amendment be referred to the Committee on Rules.

Mr. MORRILL. I hope that motion will not be adopted.

Mr. INGALLS. I object to its consideration to-day.

The PRESIDENT pro tempore. The Chair thinks the amendment is in order. The motion to refer, the Chair thinks, if agreed to, would carry the resolution.

Mr. INGALLS. The resolution?

The PRESIDENT pro tempore. The resolution to which the Senator from Vermont offers his amendment. The general question before the Senate is on agreeing to a resolution reported by the Committee on Rules which has been amended on the motion of the Senator from Kansas [Mr. Plumb], but the resolution is still before the Senate. The Senator from Vermont moves to still further amend the resolution, and the Senator from Kansas [Mr. Ingalls] moves that this amendment be referred to the Committee on Rules.

Mr. INGALLS. I have no desire to carry the resolution to the Committee on Rules, but I submit to the Senator from Vermont that there is absolutely no reason whatever urged for this proposed extension. The Senator says it might possibly be convenient for this gentleman to appear on the floor and that he should like himself to see him here for a moment or two this morning if it were possible. If this exclu-

on is significant or valuable, if it is the intention to admit those here only who are necessary for the transaction of the business of the body, then the Senator from Vermont has given no sound reason why the rule should be extended. There certainly is not the reason for the admission of the Secretary of the Smithsonian Institution that there is for the admission of the Commissioner of Pensions, who has to do with business that is called to the personal attention of every member of this body probably a great many times every day.

I suggest that the Senator from Vermont had better ask for the consideration of a general resolution as to what further admissions to the floor shall be permitted, instead of asking that this one gentleman shall be admitted by an amendment to this pending resolution.

Mr. OMAR D. CONGER. The Secretary of the Smithsonian Institution is at the head of an institution known throughout the civilized world. The National Museum is connected with it. He represents, perhaps, as far as this Government has any such representation at all, the literary and scientific progress of the people of the United States. He is at the head of an institution fostered by this Government, intimately connected with the question of the enlightenment of the people, the diffusion of knowledge among men; and I think myself that it would be an honor to the Senate and an honor to the country that we should recognize it from time to time as we summon the Secretary of that Institution to a place here. The former Secretary, Professor Henry, reflected much credit on the literary and scientific attainments of the people of the United States. The present Secretary is a worthy successor. In view of the aid the Government has given to the Institution, I think it would be an honor to the Senate and an honor to the Government that its head should be recognized as worthy of a place to meet Senators in their own Chamber. I wonder that the proposition has not been made before this time. I shall very gladly support it now.

Mr. MORRILL. I am somewhat surprised that a single Senator should object to the admission of a gentleman of so great merit and whose extreme modesty we all so much appreciate. It has been common for us to apply to the Secretary of the Smithsonian Institution for various kinds of scientific investigations—on ventilation and various other subjects that I might mention.

In relation to the necessity of the Commissioner of Pensions coming here, it is impossible for that officer to answer the inquiries of Senators or Members in relation to any private bill that may be pending. It depends upon facts in his office, and therefore we seek such information through letters directed to him at his office. It is not often that he will ever be wanted here for anything else.

I do not desire to consume time, Mr. President. If there are half a dozen Senators here who are against this proposition I shall be disposed to withdraw it.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Kansas to refer the amendment to the Committee on Rules.

Mr. INGALLS. I withdraw the motion.

The PRESIDENT pro tempore. The motion to refer is withdrawn. The question is on agreeing to the amendment of the Senator from Vermont [Mr. Morrill].

The resolution as amended was agreed to.

ACTING SECRETARY OF SMITHSONIAN INSTITUTION.

April 23, 1884—Senate.

Mr. GEORGE F. HOAR introduced a bill (S. 2093) relative to the appointment of an acting Secretary of the Smithsonian Institution.

Referred to Committee on the Library.

April 25, 1884—Senate.

Mr. JOHN SHERMAN, from the Joint Committee on the Library, to whom was referred S. 2093, reported it without amendment, "and as this is a matter of formal administration I ask that it be acted upon now."

Mr. F. M. COCKRELL. I should like to hear some reasons for the passage of the bill.

Mr. SHERMAN. This is the ordinary provision made to provide for the absence of Professor Baird. Professor Baird may sometimes be absent, and this provision is substantially similar to what is provided for other offices and Departments of the Government to fill the duties of the office during his absence or disability or inability.

Mr. COCKRELL. Not to supplant him in any way?

Mr. SHERMAN. Not at all. I believe it was recommended by the Board of Regents of the Smithsonian Institution.

The President pro tempore (Mr. GEORGE F. EDMUNDS). At the request of the Secretary, the Chair understands.

Mr. SHERMAN. At the request of the Secretary. It is to provide for a contingency common in other Departments of the Government.

Passed.

May 9, 1884—House.

Passed.

May 13, 1884.

*Be it enacted, etc.,* That the Chancellor of the Smithsonian Institution may, by an instrument in writing filed in the office of the Secretary hereof, designate and appoint a suitable person to act as Secretary of the Institution when there shall be a vacancy in said office, and whenever the Secretary shall be unable from illness, absence, or other cause to perform the duties of his office; and in such case the person so appointed may perform all the duties imposed on the Secretary by law until the vacancy shall be filled or such inability shall cease. The

d Chancellor may change such designation and appointment from time to time as the interests of the Institution may in his judgment require.

(Stat. XXIII, 21.)

NEUMANN'S SILK FLAG.

July 25, 1884—Senate.

Mr. JOHN SHERMAN. I am directed by the Joint Committee on the Library to report back a resolution submitted by the Senator from California [Mr. John F. Miller] and to recommend its passage. As it is a very brief matter, I ask for its present consideration.

The Chief Clerk read the resolution, as follows:

*Resolved*, That the silk flag presented by Mr. Joseph Neumann, of California, to the Senate and accepted by the Senate on the 12th day of July, 1870, the said flag being, it is believed, the first American flag made of American silk, be deposited in the Smithsonian Institution for exhibition and preservation.

The President pro tempore (Mr. GEORGE F. EDMUNDS). Is there any objection to the present consideration of the resolution? The Chair hears none. The question is on agreeing to it.

Mr. JOSEPH R. HAWLEY. I have not the slightest objection to the resolution, but I wish merely to put on record my grave doubt as to whether that is the first native American flag. It is my duty as a representative of the Connecticut manufacturers to say that.

Mr. SHERMAN. We do not say that it is the first by adopting the resolution.

Agreed to.

EXPOSITIONS.

*New Orleans Exposition.*

July 21, 1884.

An act to make a loan to aid, etc.

Whereas by the act of Congress entitled "An act to encourage the holding of a World's Industrial and Cotton Centennial Exposition in the year 1884," approved February 10, 1883, in the city of New Orleans, under the joint auspices of the United States, the National Cotton Planters' Association of America, and the said city of New Orleans, a World's Industrial and Cotton Centennial Exposition is to be held, universal in character, comprehending all arts, manufactures, and products of the soil and mine; and

Whereas by said act Congress declares that such exposition should be national and international in its character; and

Whereas under said act a board of management has been duly constituted and incorporated under the laws of the State of Louisiana, the members of which have been appointed by the President of the United States upon recommendations made in the manner set forth in said act, and therefore are a duly qualified and commissioned United

ates board of management clothed with full and adequate powers to perform any and all acts essential to the proper and necessary management of the affairs of the said World's Industrial and Cotton Centennial Exposition in the manner and form prescribed by said act, and fully authorized by the sanction of the Government of the United States to raise the capital necessary to carry into effect the provisions of said act of February 10, 1883; and

Whereas the President of the United States, in compliance with the terms and requirements of said act, has extended, in the name of the United States, a respectful and cordial invitation to the governments of other nations to be represented and take part in the said international exposition; and

Whereas the preparations designed by the World's Industrial and Cotton Centennial Exposition and in part executed by the board of management are in accordance with the spirit of the act of Congress relating thereto, and are on a scale creditable to the Government and the people of the United States: Therefore,

*Be it enacted, etc.,* That the sum of \$1,000,000 be, and the same be hereby, appropriated, out of any money in the public Treasury not otherwise appropriated, as a loan to the World's Industrial and Cotton Centennial Exposition, to be used and employed by the board of management thereof to augment and enhance the success of the World's Industrial and Cotton Centennial Exposition in such manner as said board of management may determine and in accordance with the provisions of this act: *Provided,* That the said sum shall be paid by the Secretary of the Treasury of the United States on the drafts of the president and secretary of the board of management of the World's Industrial and Cotton Centennial Exposition authorized by order of said board, one-third of the amount immediately after the passage of this act upon being satisfied that \$500,000 has been contributed and paid in to the said board for the purposes of the exposition by the contributors to and shareholders of the World's Industrial and Cotton Centennial Exposition, and the remainder in four monthly payments thereafter upon being satisfied that each of the prior payments has been faithfully applied as required by this act, and for this purpose the said board shall have free access to the accounts and all transactions of said board: *Provided further,* That no greater amount shall be expended for the liability or indebtedness of any kind incurred upon buildings, grounds, and preparations than the aggregate sum that may be paid by the subscribers to the capital stock and by donations and the amount of the loan provided herein: *And provided further,* That in the distribution of the amounts that may remain in the treasury of the board of management after the payments of the current expenses of administration the amount of the appropriation hereinbefore made shall be paid in full into the Treasury of the United States before any

vidend or percentage of profits or assets shall be paid to the holders of said stock or contributors: *Provided further*, That the Government of the United States shall not, under any circumstances, be liable for any debt or obligation created or incurred by the World's Industrial and Cotton Centennial Exposition, or its board of management, or for any sum whatever in addition to the amount appropriated by this act; and that adequate space to be determined by the President of the United States for such exhibits as the Government of the United States may see proper to make at said exposition shall be furnished free of all charge by said board: *Provided further*, That no sum shall be paid to the said board of management of said exposition until after the president, secretary, and a majority of the members of said board shall have executed a bond, with good and solvent security, to be approved by the Secretary of the Treasury, in the sum of \$300,000, to sufficiently secure the safe-keeping and the faithful disbursement of the sum hereby appropriated, and for the faithful observance of this act with regard to the limitation of expenditures and liabilities as fixed herein, and for the repayment to the Government of the United States of the surplus of proceeds of said exposition remaining after payment of the current expenses of administration, said repayment in no case to exceed the loan herein appropriated and provided for: *And provided further*, That the receipt of the loan herein made or any part thereof by said board of management shall be a full acceptance of all the trusts, conditions, provisions, and obligations of this act by the said board of management and by the corporation created under the laws of the State of Louisiana and designated as "The World's Industrial Cotton Centennial Exposition."

(Stat., XXIII, 28.)

July 7, 1884.

Sundry civil act for 1885.

To enable the several Executive Departments, the Department of Agriculture, and the Smithsonian Institution to participate in the World's Industrial and Cotton Centennial Exposition to be held at New Orleans, Louisiana, under act of Congress of February 10, 1883, as follows: For the War Department, \$15,000; for the Navy Department, \$10,000; for the State Department, \$10,000; for the Treasury Department, \$12,000; for the Interior Department, \$125,000; for the Post-Office Department, \$10,000; for the Department of Agriculture, \$25,000; for the Department of Justice, \$3,000; for the Smithsonian Institution (including the National Museum and Commission Fish and Fisheries), \$75,000; for necessary incidental expenses of administration by the board, including office rent, fuel, gas, stationery, telegrams, and expressage, \$15,000; in all, \$300,000, to be disbursed under the direction of the Board on United States Executive Departments appointed under Executive order of May 13, 1884; and no

beyond the amounts herein provided for shall be the said Departments, or any officer thereof, on position.

17.)

Deficiency act for 1885, etc.

The United States Executive Departments at World's Exposition at New Orleans: That any surplus arising from made to either of the Departments by act of July 7, Exposition in the World's Industrial Cotton Centennial New Orleans, may be used for the purpose of liquidating as of any other Department, subject to the provision made in the sundry civil appropriation bill passed this

II, 467.)

Sundry civil act for 1886.

aid to the World's Industrial and Cotton Centennial Exposition being held in the city of New Orleans, in the State of not to exceed the sum of \$335,000, to be immediately and to be used first in payment of the indebtedness now owing of said exposition which is due to persons, firms, or corporations and doing business outside of the State of Louisiana, debts due to foreigners or foreign nations, and such as are due to States and Territories from said exposition; secondly, in payment of all premiums heretofore awarded or which shall be hereafter awarded by said exposition in accordance with the lists of awards published; said money to be disbursed under the direction of the Secretary of the Treasury, who shall make proper rules and regulations for the form and verification of vouchers in proof of such disbursements, and shall detail a proper agent of his Department to audit said funds as directed by said Secretary, who shall make a statement of his transactions to the Treasury Department. For the woman's department of the said exposition, \$15,000. That part of the foregoing sums shall be paid until statements and vouchers in detail satisfactory to the Secretary of the Treasury are submitted and expenditures under the appropriation made by act of May 1884, and that said expenditures have been made for the purposes and in the manner provided for in said act; and the Secretary of the Treasury shall report to Congress, at the beginning of the next session, detailed statements made to him of the expenditures under the appropriation and also under this appropriation; and the necessities of these examinations shall be paid from this appro-

XXIII, 512.)

July 7, 1884

To enable the Department of the Interior, including the Bureau of Land Office, to purchase land at Cincinnati, Ohio, for the purpose of the Exposition of 1884, \$100,000, required by said act. (Stat.

July 7, 1884

To enable the Department of the Interior, including the Bureau of Land Office, to purchase land in Kentucky, from the State of Kentucky, for the purpose of the Exposition of 1884, case mentioned in the provision of the act. (Stat.

July 7, 1884

For the purchase of land for the service of the Department of the Interior, 1883, and for the purchase of land for the service of the Department of the Interior, July 1, 1884, Fish and Game Commission. (S

June

N

us'

In

at

*Cincinnati Industrial Exposition.*

Sundry civil act for 1885.

several Executive Departments of the Government, Department of Agriculture and the Smithsonian Institution in the Cincinnati Industrial Exposition, to be held in 1885, during the months of September and October, *Provided*, That in case more than the said sum be required for the execution of this provision the same should be paid out of the Treasury.

207.)

*Louisville Exposition.*

Sundry civil act for 1885.

several Executive Departments of the Government, Department of Agriculture and the Smithsonian Institution in the Southern Exposition to be held at Louisville, Kentucky, from September 16 to October 25, 1884, \$10,000: *Provided*, That in case more than the said sum be required for the execution of this provision the same should be paid by said exposition.

207.)

*London International Fishery Exhibition.*

Deficiency act for 1884, etc.

payment of the remaining expenses connected with the London International Fishery Exhibition held at London in 1884, and the preparation of the report called for by act approved March 3, 1884, to be expended by the United States Commissioner of Fish and Fisheries, under the direction and regulations of the Department of the Interior, \$10,000, the same to be available until June 30, 1885.

237.)

## REPORT OF SMITHSONIAN INSTITUTION.

9.

MR. CLEVELAND. I report from the Committee on Printing the concurrent resolution for printing the report of the Smithsonian Institution.

MR. CLEVELAND pro tempore (Mr. GEORGE F. EDMUNDS). The Senator from Connecticut asks that the concurrent resolution be now read.

MR. CLEVELAND. Let it be read.

That the annual report of the Smithsonian Institution for the year 1884 be printed 15,560 extra copies, of which 2,500 shall be for the use of the Senate, 6,060 for the use of the House of Representatives, and the balance for the Smithsonian Institution.

CONGRESSIONAL PROCEEDINGS.

Mr. HAWLEY. That is in the usual form, in the same language as the preceding annual resolutions upon the same subject.

Mr. COCKRELL. Would not this be a very good time to conform to general rule and give the Senate 3,000 copies and the House 6,000, in accordance with the rule that I understand the Senate has adopted whenever it has been brought before it? I offer that amendment.

The PRESIDENT pro tempore. The Chair will call attention to Rule the second paragraph of which provides that—

Resolutions to print additional numbers shall also be referred to the Committee on Printing—

which has been done—

When the committee shall report favorably the report shall be accompanied by an estimate of the probable cost thereof.

Mr. HAWLEY. The estimate is always ready, but its reading is not always called for. The figures are on the back of the resolution. I think the cost will be \$10,000.

The PRESIDENT pro tempore. Will the Senator from Missouri repeat the amendment?

Mr. COCKRELL. I move to amend by striking out "2,500," as the number provided for the Senate, and inserting "3,000," and then let the House have 6,000, so as to give the Senate just half the number now to the House.

The PRESIDENT pro tempore. The Senator from Missouri moves to amend the resolution by striking out "2,500" and inserting "3,000," so as to read: "of which 3,000 shall be for the use of the Senate and 6,000 for the use of the House of Representatives."

Mr. COCKRELL. Let it be 6,000 for the use of the House.

Mr. HAWLEY. Let the 6,060 go; make as few amendments as possible.

Mr. COCKRELL. Very well; let it go. Just change the aggregate.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Missouri.

Agreed to.

Mr. COCKRELL. The aggregate that goes to the Smithsonian Institution will be decreased just 500 copies.

Mr. HAWLEY. I would not decrease the number for the Smithsonian. They make their estimates with accuracy, and usually know what they want.

Mr. COCKRELL. Then increase the whole number 500.

Mr. HAWLEY. Increase the aggregate. The amendment made adds 500 to the aggregate.

The PRESIDENT pro tempore. The resolution, if there be no objection, will be amended so as to make the aggregate 16,060, the number now being increased 500. The amendment will be agreed to if there

objection. The question is on agreeing to the resolution as ded.

e resolution as amended agreed to.

4, 1884—*House*.

. ALFRED M. SCALES, from the Committee on Printing, reported ably Senate concurrent resolution to print Smithsonian report for

. SCALES. I desire to say one word. This is the same number amended heretofore. The Senate increased what was recommended by the House 500 copies. It was so late in the session we voted to allow them to have them, and they have taken every copy selves.

opted.

y 24, 1885—*Senate*.

. S. B. MAXEY introduced concurrent resolution to print 16,060 s of the report of the Smithsonian Institution and National um for 1884, 7,000 for the use of the Smithsonian Institution. ferred.

y 26, 1885—*Senate*.

sed.

y 28, 1885—*House*.

ferred to Committee on Printing.

ry 4, 1885—*House*.

sed.

y 24, 1885—*Senate*.

. S. B. MAXEY introduced a resolution (S. 114).

ferred to Committee on Printing.

y 27, 1885—*Senate*.

sed.

3, 1885—*House*.

sed.

3, 1885.

at the annual reports of the Smithsonian Institution shall be fter printed at the Government Printing Office, in the same er as the annual reports of the heads of departments are now ed, for submission in print to the two Houses of Congress. at. XXIII, 520.)

#### VENTILATION OF HALL OF HOUSE OF REPRESENTATIVES.

4, 1884—*House*.

. JOHN HARDY, from the Committee on Ventilation and Acous- submitted a report (H. 1970).

e Committee on Ventilation and Acoustics, charged with the duty quiring into the present method of heating, lighting, and venti- the Hall of the House of Representatives, respectfully report

CONGRESSIONAL PROCEEDINGS.

ve given the subject a careful investigation, and have  
ws and opinions of experienced and competent scientists  
reto, and have caused experiments to be made as to the  
quality of the air of the House.

tee herewith submit the arguments and statements made  
nmittee and the result of experiments made under their

\* \* \* \* \*

MARCH 10, 1884.

met pursuant to adjournment.

Chairman, Messrs. Green, Shelley, Evans, Jeffords, and Brewer.

laid before the committee a report<sup>1</sup> from Prof. Spencer F. Baird  
prising the advisory board to the Committee on Ventilation and  
the Forty-fifth Congress.

ard of United States officers convened by request of the Committee  
on Ventilation of the Forty-eighth Congress.

as the honor to report that, in accordance with the request of the  
entilation, it has examined the plans submitted by Mr. T. C. Perry  
nent on the ventilation of the Hall of the House of Representatives.  
ion of the board that if these plans were carried out the ventilation  
ld not be as good as it is at present. Ventilation by aspiration has  
e Hall before, and with unsatisfactory results. If it be desired to  
he machinery necessary for the purpose is on hand, and the trial  
thout the necessity of purchasing fans or of expending money for

oes not think that downward ventilation would give good results in

is respectfully submitted.

"SPENCER F. BAIRD, *Chairman,*  
" *Secretary Smithsonian Institution.*  
"THOS. LINCOLN CASEY,  
" *Lieutenant-Colonel Engineers.*  
"EDWARD CLARK,  
" *Architect United States Capitol.*  
"J. S. BILLINGS,  
" *Surgeon, United States Army.*"

\* \* \* \* \*

inquired from Professor Baird whether he had any suggestion to  
mprovement of the ventilation in the Hall.

d replied that he had come into the board after the work had been  
succeeded Professor Henry simply for the purpose of keeping up the  
fter Professor Henry's death he had been appointed Secretary, but  
he work had been done by the other gentlemen. His position was,  
honoratory than active. He only knew the subject from what he  
ther gentlemen say.

remarked that Colonel Casey had been an active member of the

d assented. He (the professor) knew nothing on the subject.

y-eighth Congress, first session—House. Report H. 2026.

red him whether he was familiar with the apparatus and the design of the work.  
could not say that he was.

to Committee on Ventilation and Acoustics.

FREE POSTAGE.

Post-Office act for 1885.

section 29 of the act of March 3, 1879 (United States  
rge, page 362), be, and it is hereby, amended so as to

ions of the fifth and sixth section of the act entitled  
shing post routes, and for other purposes' approved  
for the transmission of official mail matter, be, and  
, extended to all officers of the United States Govern-  
ding members of Congress, the envelopes of such mat-  
to bear appropriate indorsements containing the proper  
the office from which or officer from whom the same is  
th a statement of the penalty for their misuse. And  
of said fifth and sixth sections are hereby likewise ex-  
le applicable to all official mail matter of the Smithson-

*Provided*, That any department or officer authorized  
lty envelopes may inclose them with return address to  
persons from or through whom official information is  
ie to be used only to cover such official information, and  
elating thereto: *Provided further*, That any letter or  
egistered by either of the Executive Departments, or  
i, or by the Agricultural Department, or by the Public  
e registered without the payment of any registry fee;  
aid letter or packet addressed to either of said depart-  
us may be delivered free; but where there is good rea-  
he omission to prepay the full postage thereon was  
h letter or packet shall be returned to the sender: *Pro-*  
That this act shall not extend or apply to pension agents  
s who receive a fixed allowance as compensation for  
including expenses of postages. And section 3915 of  
tutes of the United States, so far as the same relates  
stamped envelopes for official purposes, is hereby

, 158.)

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Stat. XVII, p. 307, for Act June 8, 1872, allowing to pass free in  
lications sent or received by the Smithsonian Institution, marked  
Smithsonian Exchange'." New Postal Code, sixth subdivision,

## PUBLIC PRINTING AND BINDING.

July 7, 1884.

Sundry civil act for 1885.

\* \* \* That it shall not be lawful for the head of any Executive department or of any bureau, branch, or office of the Government, to cause to be printed, nor shall the Public Printer print, any document or matter of any character whatever except that which is authorized by law and necessary to administer the public business, nor shall any bureau officer embrace in his annual or other report to be printed any matter not directly pertaining to the duties of his office as prescribed by law.

(Stat., XXIII, 227.)

## HENRY STATUE.

July 7, 1884.

Deficiency act for 1884, etc.

For expense of freight on statue of Joseph Henry from Rome to Washington, and all expenses by the Smithsonian Institution connected with the erection and ceremonies of unveiling said statue, \$900.

(Stat., XXIII, 246.)

## GRANT RELICS.

February 4, 1885—Senate.

*Message from the President of the United States, transmitting the offer of Mrs. Grant to give to the Government, in perpetual trust, the military and civil testimonials lately belonging to General Grant.*

*To the Senate:*

I take especial pleasure in laying before Congress the generous offer made by Mrs. Grant to give to the Government, in perpetual trust, the swords and military and civil testimonials lately belonging to General Grant. A copy of the deed of trust, and of a letter addressed to me by Mr. William H. Vanderbilt, which I transmit herewith, will explain the nature and motives of this offer.

Appreciation of General Grant's achievements and recognition of his just fame have in part taken the shape of numerous mementos and gifts, which, while dear to him, possess for the nation an exceptional interest. These relics, of great historical value, have passed into the hands of another whose considerate action has restored the collection to Mrs. Grant as a life trust, on the condition that at the death of General Grant, or sooner, at Mrs. Grant's option, it should become the property of the Government, as set forth in the accompanying papers. In the exercise of the option thus given her, Mrs. Grant elects that the trust shall forthwith determine, and asks that the Government designate a suitable place of deposit and a responsible custodian for the collection.

he nature of this gift and the value of the relics which the generosity of a private citizen, joined to the high sense of public regard which animates Mrs. Grant, have thus placed at the disposal of the Government, demand full and signal recognition, on behalf of the Nation, at the hands of its representatives. I therefore ask Congress to take suitable action to accept the trust and to provide for its secure custody, at the same time recording the appreciative gratitude of the people of the United States to the donors.

In this connection, I may pertinently advert to the pending legislation of the Senate and House of Representatives, looking to a national recognition of General Grant's eminent services by providing the means for his restoration to the Army on the retired list. That Congress, by taking such action, will give expression to the almost universal desire of the people of this nation is evident, and I earnestly urge the passage of an act similar to Senate bill No. 2530, which, while not interfering with the Constitutional prerogative of appointment, will enable the President in his discretion to nominate General Grant as General on the retired list.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,

*February 3, 1885.*

DEED OF TRUST.

Whereas I, William H. Vanderbilt, of the city of New York, by virtue of a sale under a judgment in a suit to foreclose a chattel mortgage in the supreme court of this State, in which I was plaintiff, and Ulysses S. Grant defendant, which judgment was entered on the 6th day of December, 1884, and under an execution in another suit in said court between the same parties upon a judgment entered on the 9th day of December, 1884, have become the owner of the property and the articles described in the schedule hereto annexed, formerly the property of Ulysses S. Grant.

Now, therefore, to carry out a purpose formed by me, and in consideration of one dollar to me paid, I do hereby transfer and convey each and every one of the articles mentioned and itemized in the said schedule to Julia Dent Grant. To have and hold the same to her, her executors and administrators, upon the trust and agreement nevertheless hereby accepted and made by her that on the death of the said Ulysses S. Grant or previously thereto, at her or their option, the same shall become and be the property of the nation, and shall be taken to Washington and transferred and conveyed by her and them to the United States of America.

In witness whereof the said William H. Vanderbilt and Julia Dent Grant have signed these presents this 10th day of January, A. D. 1885.

Witnessed and delivered in presence of—

W. H. VANDERBILT.

JULIA DENT GRANT.

*Rule of swords and medals, paintings, bronzes, portraits, commissions and addresses, and objects of value and art presented by various Governments in the world to General Ulysses S. Grant.*

Mexican onyx cabinet, presented to General Grant by the people of Pueblo, Mexico. Selenite, part of which passed over Mexico in 1871.

Bronze vases, presented to General Grant by the Japanese citizens of Yokohama, Japan.

Marble bust and pedestal, presented by workingmen of Philadelphia.

General Grant and family, painted by Coggsell.

Large elephant tusks, presented by the King of Siam.

Small elephant tusks, from the Maharajah of Johore.

Picture of General Scott, by Page, presented by gentlemen of New York.

Crackleware bowls (very old), presented by Prince Koon, of China.

Cloisonné jars (old), presented by Li Hung Chang.

Chinese porcelain jars (old), presented by Prince Koon, of China.

Arabian Bible.

Coptic Bible, presented by Lord Napier, who captured it with King Theodore of Abyssinia.

Sporting rifle.

Sword of Donelson, presented to General Grant after the fall of Fort Donelson, by officers of the Army, and used by him until the end of the war.

New York sword, voted to General Grant by the citizens of New York, at the fair held in New York.

Sword of Chattanooga, presented to General Grant by the citizens of Jo Daviess County, Ill. (Galena), after the battle of Chattanooga.

Roman mug and pitcher.

Silver menu and card, farewell dinner of San Francisco, Cal.

Silver menu of Paris dinner.

Horn and silver snuffbox.

Silver match box (used by General Grant).

Gold table, modeled after the table in Mr. McLean's house on which Gen. R. E. Lee signed the articles of surrender. This was presented to General Grant by ex-Confederate soldiers.

Gold cigar case (enameled), presented by the Celestial King of Siam.

Gold cigar case (plain), presented by the Second King of Siam.

Gold-handled knife, presented by miners of Idaho Territory.

Nine pieces of jade stone, presented by Prince Koon of China.

Silver trowel, used by General Grant in laying the corner stone of the American Museum of Natural History, New York.

Knife, made at Sheffield for General Grant.

Gold pen, General Grant's.

Embroidered picture (cock and hen), presented to General Grant by citizens of Japan.

Field-glasses, used by General Grant during the war.

Iron-headed cane, made from the rebel ram Merrimac.

Silver-headed cane, made from wood used in the defense of Fort Sumter.

Gold-headed cane, made out of wood from old Fort Du Quesne, Pennsylvania.

Gold-headed cane, presented to General Grant as a tribute of regard for his humane treatment of the soldiers and kind consideration of those who ministered to the sick and wounded during the war.

Gold-headed cane, used by General La Fayette, and presented to General Grant by the ladies of Baltimore, Md.

Carved wood cane, from the estate of Sir Walter Scott.

Uniform as General of the United States Army.

Fifteen buttons, cut from the coats during the war by Mrs. Grant after the different battles.

Hat ornament, used at Belmont.

Hat ornament, used at Fort Donelson.

Shoulder-straps (brigadier-general), worn by General Grant at Belmont, Fort Donelson, and Shiloh.

Address to General Grant from the mayor, aldermen, and citizens of the city of Manchester, England, May 13, 1877.

Address to General Grant by the workingmen of Birmingham, England, October 16, 1877.

Address to General Grant from the Chamber of Commerce and Board of Trade, San Francisco, Cal., September, 1879.

Address to General Grant by mayor, aldermen, and burgesses of the borough of Gateshead, England.

Address to General Grant by the mayor, aldermen, magistrates, aldermen, and councilors of the borough of Leicester, England.

Address to General Grant by the Americans of Shanghai, China, May 19, 1879.

Address to General Grant by the Calumet Club of Chicago, Ill.

Address to General Grant from the Society of Friends in Great Britain.

Address to General Grant from Chamber of Commerce of Penang.

Address to General Grant by the mayor, aldermen, and burgesses of the borough of Southampton, England.

Address to General Grant by the provost, magistrates, and town council of the royal borough of Stirling.

Address to General Grant by the mayor, aldermen, and burgesses of Tynemouth, England.

Address to General Grant by the mayor and town council of Sunderland.

Address to General Grant by the trade and friendly societies of Sunderland.

Address to General Grant by the public schools of Louisville, Ky.

Address to General Grant by the colored men of Louisville, Ky.

Address to General Grant by ex-Confederate soldiers.

Address to General Grant by the State of Louisiana.

Address to General Grant by the Chamber of Commerce and Board of Trade of San Francisco, Cal.

Address to General Grant by the British workmen of London, England.

Address to General Grant by the North Shields Shipowners' Society, England.

Address to General Grant by the Chamber of Commerce, Sheffield, England.

Address to General Grant from mayor, aldermen, and burgesses of borough of Royal Leamington Spa, England.

Address to General Grant by the mayor, aldermen, and burgesses of Sheffield, England.

Address to General Grant by wardens, etc., and commonalty of the town of Sheffield, England.

Address to General Grant from the provost, magistrates, and town council of the city and royal burgh of Elgin, Scotland.

Address to General Grant from the mayor, aldermen, and burgesses of the borough of Folkestone, England.

Address to General Grant by the mayor, aldermen, and burgesses of the borough of Jarrow, England.

Address to General Grant by the mayor, aldermen, and burgesses of Gateshead, England.

Address to General Grant from the Carpenters' Company.

Address to General Grant from the citizens of Cincinnati, congratulating him on his second election as President of the United States.

Address to General Grant from the citizens of Nagasaki, Japan.

Resolutions of the Territorial Pioneers admitting General Grant to membership.

Resolution of the Caledonian Club of San Francisco, enrolling General Grant as an honorary member.

Resolutions of the citizens of Jo Daviess County, presenting a sword to General Grant. (Sword of Chattanooga.)

## CONGRESSIONAL PROCEEDINGS.

lution is before the Senate as in Committee of the Whole and be read.

Whereas William H. Vanderbilt and Julia Dent Grant have, by deed of trust dated on the 10th day of January, 1885, presented to the United States certain books, medals, paintings, bronzes, portraits, commissions, and addresses, and objects of science and art presented by various governments in the world to General Ulysses S. Grant, as tokens of their high appreciation of his illustrious character as a soldier and statesman: Therefore

*It resolved, etc.,* That the United States accepts the said property and articles, fully described in the schedule attached to said deed of trust, to be held by the United States and preserved and protected in the city of Washington for the use and enjoyment of the people of the United States. And the thanks of Congress are hereby tendered to the said William H. Vanderbilt and Julia Dent Grant for their generous and valuable gift.

*Resolved,* That the said property and articles are placed under the custody of the Librarian of Congress; and the Secretary of War is hereby directed to receive the same for safe-keeping and custody in the Department of War until they can be transferred by the Librarian of Congress to a suitable building to be provided for the use of the Library of Congress.

passed.

The preamble was agreed to.

## DOCUMENTS.

January 9, 1885.

Joint resolution approved for printing and distributing "Description of the Catalogue of Government Publications," provided two copies for the Smithsonian Institution, and fifty for foreign exchanges. (Stat., XXIII, p. 517.)

## DEPARTMENT OF AGRICULTURE (ENTOMOLOGY, ORNITHOLOGY.)

January 20, 1885—Senate.

The Senate, as in Committee of the Whole, considered the bill (H. R. 8030), making appropriation for the Agricultural Department for the year 1886.

Mr. W. MILLER, of New York. I am instructed by the Committee on Agriculture and Forestry to move an amendment, in line 57, to strike out the word "twenty" and insert "thirty;" and also in the same line to strike out "twenty" and insert "thirty;" so as to read:

and other expenses on the practical work of entomological division, \$30,000; in 1887, \$37,900.

The occasion for this increase arises in this wise. In line 51 there has been inserted in this bill a clause including:

and for the promotion of economic ornithology, or the study of the interrelation of birds and agriculture, an investigation of the food, habits, and migration of birds in relation to both insects and plants, and publishing report thereon, for drawings, for chemicals and traveling and other expenses.

Those words have been put into this bill this year, of course resulting in an increase of the labor of the entomological division and largely increasing its expenditures if it is to do the work that has been assigned it. The reason for this has come about in this wise: There has been organized in this country an ornithological union, composed of the leading naturalists of this country, extending over the entire country and also over Canada. There has also been organized an international ornithological union, and these unions of the different civilized countries are acting in connection. Some of them have been at work for several years. The unions of the various countries have applied to their respective governments, asking that the governments take up this work to a certain extent—that is, the work of the collation of facts and the publications of facts.

These ornithological unions, which are studying the questions designated in these lines, are doing the work voluntarily for the advancement of science and the good of mankind in general. These associations are entirely voluntary, and all their work is done without compensation for love of the cause. They have collected and are collecting large amounts of information upon this subject, which is very valuable and is undoubtedly to be of great value to the agriculturists as a class. They do not feel able to undertake the work of classifying and collating the information which they have obtained or of publishing it for the benefit of the world, and they have asked for the action indicated in the lines which I read.

During the past two years there have been scattered all over the United States more than a thousand gentlemen engaged in making these observations. Circulars were prepared and sent out to all the various stations by the Smithsonian Institution at the request of the Ornithological Union, of course the expense being paid by the Smithsonian Institution, as under the law it had a right to do; but it is not able to go on with the proper publication of these results. A very large amount of information has been obtained. All the light-house keepers in the United States and in Canada have been instructed by the proper department to obtain the information desired; blanks have been furnished them, and they have made regular reports, and these reports have come in in very large numbers.

The Ornithological Union presented some weeks ago to Congress a memorial fully setting forth the work they were doing and what they desired the Government to do in the premises.

\* \* \* \* \*

This matter was laid before the Department of Agriculture and brought to the attention of the Smithsonian Institution, and Professor Baird joined in recommending this action, and of course an appropriation is needed. The result has been that authority to undertake this investigation and the compilation of the statistics and the data which

can be furnished and will be furnished by this union has been put into this bill, but there has been no increase of the appropriation for the expenditures of the entomological division. Ten thousand dollars was asked for as being the least sum that can properly do this work. When the bill passed the House and the chief of this division, Dr. Riley, discovered it, he came to see me, and not finding me, wrote to me a letter, portions of which I will read, and from which the Senate will see that it is necessary to increase this appropriation somewhat; otherwise the work can not be done at all.

The Presiding Officer (Mr. G. F. EDMUNDS). The question is on agreeing to the amendment proposed by the Senator from New York. The amendment was agreed to.

## FORTY-NINTH CONGRESS, 1885-1887.

### APPOINTMENT OF REGENTS

*By the Vice-President.*

March 24, 1885—Senate.

The Vice-President (Mr. THOMAS A. HENDRICKS) appointed Justin S. Morrill to fill the vacancy in the Board of Regents of the Smithsonian Institution occasioned by the expiration of his term of service.

The VICE-PRESIDENT appointed Shelby M. Cullom to fill the vacancy in the Board of Regents of the Smithsonian Institution occasioned by the expiration of the term of Nathaniel P. Hill.

### APPOINTMENT OF REGENTS

*By the Speaker.*

January 12, 1886—House.

The Speaker (Mr. JOHN G. CARLISLE) announced the appointment of the following Regents of the Smithsonian Institution: Otho R. Singleton, of Mississippi, William L. Wilson, of West Virginia, William Walter Phelps, of New Jersey.

### APPOINTMENT OF REGENTS

*By joint resolution.*

December 8, 1885—Senate.

Mr. JUSTIN S. MORRILL introduced joint resolution (S. 1):

That the existing vacancies in the Board of Regents of the Smithsonian Institution of the class "other than members of Congress" shall be filled by the reappointment of John Maclean, of New Jersey; Asa Gray, of Massachusetts; Henry Coppée, of Pennsylvania; and the appointment of Montgomery C. Meigs, of the city of Washington, vice William T. Sherman, whose term has expired, and who is no longer a citizen of Washington.

ing the position taken by the Senator from Vermont, who is also member of the Board of Regents, was that there is to be some very uable improvement soon made in the Smithsonian building, and neral Meigs is an architect of distinguished reputation and his ointment as a member of the Board of Regents, he living here in shington, would be eminently proper. I think he ought to go on t board. His well-known character we thought was ample to jus- the appointment without a reference to a committee.

he joint resolution was reported to the Senate without amendment. Mr. J. T. MORGAN. I hope that the resolution will pass, although I sider that it is a little hasty for us to act, as the Senator from nsas has suggested, without the advice of any committee, but I do wish it to be understood that I vote for it on the ground stated by Senator from Texas, that of General Meigs's architectural capacity ability, for if we take the new Pension Office here as a sample of and we undertake in advance to refer that to the judgment and e of the people of the United States, we shall make a very wide take. I shall vote for General Meigs because I think he is a scien- , not because I think he is an architect.

Passed.

ember 18, 1885—House.

Mr. WILLIAM L. WILSON, of West Virginia, called up joint resolu- n (S. 1). Adopted.

ember 26, 1885.

*Resolved, etc.*, That the existing vacancies in the Board of Regents the Smithsonian Institution of the class "other than members of ngress" shall be filled by the reappointment of John Maclean, of w Jersey; Asa Gray, of Massachusetts; Henry Coppée, of Penn- vania; and the appointment of Montgomery C. Meigs, of the city Washington, vice William T. Sherman, whose term has expired who is no longer a citizen of Washington.

(Stat., XXIV, 339.)

ember 21, 1886—Senate.

Mr. JUSTIN S. MORRILL introduced a joint resolution (S. 90) appoint- James B. Angell a member of the Board of Regents of the Smith- ian Institution.

Referred to Committee on the Library.

ember 21, 1886—Senate.

Mr. WILLIAM J. SEWELL, from Committee on the Library, reported 90 favorably.

*Resolved, etc.*, That the existing vacancy in the Board of Regents of the Smithsonian itution of the class "other than members of Congress" shall be filled by the ointment of James B. Angell, of the State of Michigan, in place of John Maclean, eased.

Adopted.

*ember 22, 1886—House.*

Mr. OTHO R. SINGLETON. Mr. Speaker, I ask unanimous consent to bring up for present consideration the joint resolution (S. 90) appointing James B. Angell a member of the Board of Regents of the Smithsonian Institution, in the place of one of the regents, deceased. The board meets in a few days, and it is desirable that this appointment should be made without delay to fill the vacancy.

The joint resolution was read.

Mr. ROGER Q. MILLS. Mr. Speaker, I desire to ask the gentleman from Mississippi [Mr. Singleton] why it is necessary to name the appointee in the joint resolution?

Mr. SINGLETON. The appointment is made by Congress. I will say to the gentleman, if he wishes the information, that this appointment is made in place of a Northern gentleman, deceased.

Mr. JAMES H. BLOUNT. Can the gentleman from Mississippi inform whether this is the usual way of filling these vacancies?

Mr. SINGLETON. It is, sir.

Mr. MILLS. We have had considerable discussion here at different times about this question of appointment, and it has been contended that Congress has no power to make appointments——

Mr. CLIFTON R. BRECKINRIDGE, of Arkansas. The gentleman will say that this is the usual way of making these appointments.

The Speaker (Mr. JOHN G. CARLISLE). Is there objection to the present consideration of this joint resolution?

Mr. MILLS. I object, Mr. Speaker.

*January 8, 1887—House.*

Mr. O. R. SINGLETON endeavored to call up S. 90 appointing James B. Angell a Regent of the Smithsonian Institution.

Mr. HILARY A. HERBERT insisted on the regular order.

*January 8, 1887—House.*

Mr. O. R. SINGLETON reported S. 90 from the Committee on the Library.

It has already passed the Senate and meets the indorsement of the Committee on the Library. I will state that they have a meeting next Wednesday, and it is important the vacancy on the Board should be filled before that time.

Adopted.

*January 19, 1887.*

*Resolved, etc.,* That the existing vacancy in the Board of Regents of the Smithsonian Institution of the class "other than members of Congress," shall be filled by the appointment of James B. Angell, of the State of Michigan, in place of John Maclean, deceased.

(Stat., XXIV, 644.)

## INTERNATIONAL EXCHANGES.

October 7, 1885.

October 7, 1885.

SIR: On the 7th of March, 1884, I had the honor to address you as follows:

After overcoming many obstacles, the Smithsonian system of exchange has now been placed upon a most satisfactory basis, the only difficulty of any magnitude yet remaining being inability on the part of the Smithsonian Institution, as the Government intermediary, to secure the entire fruits of the wise provision of Congress in the way of fifty copies of each and every public document for exchange purposes, and to this extent the system is yet imperfect. In the absence of strict compliance with the stipulation that all works published by the United States—its Congress, Executive Departments, bureaus, etc. [be furnished to the Smithsonian Institution in 50 copies each of the three distinct series, as specified in the acts of March 2, 1867. and July 5, 1868]—the Institution can hardly exact from foreign Governments that have entered into an International Exchange Alliance copies of everything they respectively issue.

I would therefore ask you, respectfully, to consider the several enactments upon the subject of international exchange, and that such supplementary legislation be provided as will enable us to surmount the difficulty referred to.

In referring to the communication above quoted, I beg respectfully to state that it again becomes the duty of the Smithsonian Institution, as the agent for Government exchanges (under appointment of Congressional act of March 2, 1867), to suggest a review by the Library Committee of the several enactments upon the subject of international exchange, to the end that such additional legislation may be provided as will render the Institution able to enforce strict compliance, on the part of the Public Printer and the various Departments and bureaus of the Government, with the order of Congress that all works published by the United States of America, whether by its Congress, its Executive Departments, or its bureaus, and whether printed at the Public Printing Office or elsewhere, be furnished to the Smithsonian Institution in 50 copies each of the three distinct series, as specified in the acts of March 2, 1867, and July 25, 1868, and without which the Government of the United States, through the Library of Congress, will fail to reap the full benefit of that complete exchange which was intended and desired when the American Congress first exhibited its enlightened liberality in the wise provision for an exchange of the United States official publications for those of other nations.

I inclose some memoranda necessary for your information and guidance in connection with any new legislation that your committee, in its wisdom, may deem proper to suggest for the consideration of Congress.

Very respectfully, your obedient servant,

SPENCER F. BAIRD, *Secretary.*

HON. JOHN SHERMAN,

*Chairman Joint Library Committee of Congress, United States Senate.*

MEMORANDA TO ACCOMPANY LETTER FROM SMITHSONIAN INSTITUTION OF OCTOBER 7, 1885, TO HON. JOHN SHERMAN, CHAIRMAN JOINT LIBRARY COMMITTEE OF CONGRESS.

On the 2d day of March, 1867, Congress passed the following resolution (Stat., vol. 4, p. 573):

*“Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That 50 copies of all documents hereafter printed by order of either House of Congress, and 50 copies additional of all documents printed in excess of the usual number, together with 50 copies of each publication issued by any Department or bureau of the Government, be placed at the disposal of the Joint*

the Library, who shall exchange the same, through the agency of the institution, for such works published in foreign countries, and especially vernments, as may be deemed by said committee an equivalent; said eposited in the Library of Congress."

tion provides, as plainly and distinctly expressed, for three times 50 ain official publications, or rather for 50 copies each of three different sses into which the publications of the United States Government may

gressional issue, consisting of series of journals, reports of committees, documents, and executive documents.

ual reports of the Executive Departments and bureaus of the Govern-

emoirs, monographs, and special reports published by the Executive and bureaus of the Government.

issue, the Congressional series, the usual number printed is, as pre- tion 3792, Revised Statutes, "Fifteen hundred and fifty copies of any dered by Congress." \* \* \* (Increased this to 1900, which includes its for distribution by the Congressional Library and for exchange in ries.) Section 3799 provides that: "Of the documents printed by er House of Congress there shall be printed and bound 50 additional purpose of exchange in foreign countries."

issue is formed by the "extra copies" ordered to be printed by Congress the usual number, and represents the annual reports of the Executive and bureaus of the Government, reports of foreign affairs, commerce n, commercial relations, etc., and as such form each an independent rnment publications.

this issue section 3796 Revised Statutes provides, "The Congressional when so directed by the Joint Committee on the Library, print in addi- ual number either 50 or 100 copies, as he may be directed, of all docu- l by either House of Congress or by any Department or bureau of the ,

No. 72, second session Fortieth Congress (approved July 25, 1868)—a carry into effect the resolution approved March 2, 1867, providing for of certain public documents—specifies:

Congressional Printer, whenever he shall be so directed by the Joint i the Library, be, and he hereby is, directed to print 50 copies, in addi- egular number, of all documents hereafter printed by order of either gress or by order of any Department or bureau of the Government, and shall be so directed by the Joint Committee on the Library, 100 copies all documents ordered to be printed in excess of the usual number; copies to be delivered to the Librarian of Congress, to be exchanged, rection of the Joint Committee on the Library, as provided by joint proved March 2, 1867."

series (the memoirs, monographs or special reports published by the partments and bureaus of the Government) is provided for by section (e) joint resolution No. 72 (second session Fortieth Congress, approved )—a resolution to carry into effect the resolution approved March 2, ng for the exchange of certain public documents—as follows:

urther resolved, That 50 copies of each publication printed under the ny Department or bureau of the Government, whether at the Congres- g Office or elsewhere, shall be placed at the disposal of the Joint Com- Library, to carry out the provision of said resolution."

to this resolution becoming a law, the Hon. E. D. Morgan, Chairman

of the Joint Committee on the Library, addressed the following letter to the Public Printer, J. D. Defrees, esq.:

“WASHINGTON, D. C., *October 24, 1868.*”

“I have the honor to call your attention to the provisions of the resolution of Congress inclosed, approved July 25, 1868, and to request that the 50 copies of all documents now being printed and hereafter to be printed at the Congressional Printing Office, whether by order of either House of Congress or any of the Departments or bureaus of the Government, be furnished by you, as fast as each edition is printed and bound, to the Librarian of Congress, for the purpose specified in the resolution.

“I would also request that of the Patent Office report and Agricultural report now being printed 100 copies additional (or 150 copies in all) be delivered to the Librarian for the purpose indicated.

“IN BEHALF OF THE JOINT COMMITTEE ON THE LIBRARY.”

September 22, 1869, the Librarian of Congress addressed the Public Printer on the subject of books required by law for the international exchange of official documents, as follows:

“WASHINGTON, D. C., *September 22, 1869.*”

“Your attention is respectfully called to the provisions of the resolution of Congress, approved July 25, 1868, requiring the Congressional Printer to furnish to the Librarian of Congress 50 copies of all documents, printed under whatever authority, for the purpose of exchanging the same for the publications of foreign Governments, which are to be deposited in this Library.

“The official direction from the chairman of the Joint Committee on the Library to print and deliver these documents required by the resolution was communicated to your predecessor, Mr. J. D. Defrees, on the 24th of October, 1868. (See letter of Hon. E. D. Morgan, chairman, of that date.) The only reply received was a verbal one from Mr. Defrees to the undersigned that the documents should be regularly forwarded, and that the 150 copies (50 regular and 100 extra) of the Agricultural and Patent Office reports for 1867, then on the press, would also be supplied. Not having received any documents whatever under this act of Congress, and the purpose of the same being to enrich the Library with as large a number and variety of the documents of foreign Governments as can be procured in exchange for our own, you are requested to have placed at my disposal 50 copies of each book, pamphlet, circular, army order, or other publication, by whatever authority printed, and 100 copies additional of all documents printed in excess of the usual number, to enable me to carry out the resolution of Congress referred to.”

And again, in reply to an inquiry on the part of the Public Printer, the following communication was addressed to that officer September 30, 1869:

“WASHINGTON, D. C., *September 30, 1869.*”

“In reference to the documents, not of Congress, but of the Departments and bureaus of the Government, of which 50 copies are required by resolution of Congress to be furnished to the Library for international exchange, I have to say that all such documents as are printed at the public expense (with the single exception of printed instructions or confidential official communications) are important and will properly be furnished. The foreign Governments with which the exchanges are made furnish us with great fullness the specially printed documents they print in each department of their public service, and it is desired to make a return in kind.”

Owing to the failure of the Public Printer to comply with those portions of the law relating to the second and third series of the United States official publications—the annual reports of the Executive Departments and bureaus of the Government and the memoirs, monographs, and special reports published by the Executive Departments and bureaus of the Government (although occasionally some few of the works of these classes have been received)—a circular letter was addressed by the Smithsonian Institution on the 15th of February, 1884, to all the Departments and

the Government soliciting cooperation, in compliance with the existing law, to enable the Institution, as agent of the Government, to carry out the provisions of the Congressional resolutions. Among the replies received, that of the Secretary of State says: "I have ventured to suggest to the Joint Committee on the Library the desirability of a permanent provision for the printing of increased copies."

Enclosed to the letter of the Secretary of the Smithsonian Institution of February 1884 is a list of the more important documents not furnished to the Smithsonian Institution, although they are embraced in the series intended by Congress for its purposes.

The documents not furnished by the Public Printer may again be mentioned as follows, assuming series 1 (the Congressional issue) to be complete as far as possible—although even therein are many deficiencies:

I.—The annual reports of the Executive Departments and bureaus of the Government, together with the papers accompanying such reports. (Sec. 3796, Rev. Stat., resolution No. 72, second session, Fortieth Congress.)

II.—The memoirs, monographs, or special reports published by the Executive Departments or bureaus of the Government, whether printed at the Government Printing Office or elsewhere. (Sec. 2, resolution No. 72, second session, Fortieth Congress.)

This series comprises among many others the following valuable publications:

*Official Gazette*: Thirty-two volumes published.

*Engravings and drawings*: Two hundred volumes published since 1872.

*Journal of Industrial Art*: Two volumes, folio. Of this last named work only 50 copies were printed, although the law (Sec. 2, resolution No. 72, second session, Fortieth Congress; Stat., vol. 15, p. 261) distinctly provides that 50 copies of each publication \* \* \* whether at the Congressional Printing Office or elsewhere, shall be placed at the disposal of the Joint Committee."

#### *Geological Survey—*

*Publications*: Twenty-four numbers issued.

*Monographs*: Eight volumes issued; only Volume II and atlas received. A letter was addressed to the Director of the Survey February 15, 1884, claiming 50 copies of all the publications of that office for exchange purposes under the law. In reply the Director stated, February 26, 1884: "Under the law of March 2, 1867, 50 copies of everything published by us should be sent to the Library of Congress and thence to the Smithsonian Institution by the Public Printer, and such copies are reserved for that purpose and do not come into the possession of the Smithsonian Institution. Under the statute relating to the publication of the monographs of the Geological Survey it would be impossible to spare any copies from the 3,000 received by this office, from the fact that it is necessary for the Survey to render an account of its publications, either as sold, exchanged, or on hand."

The law cited before, setting aside 50 copies for exchange purposes, would fully comply with the law if the Director of the Survey to furnish the 50 copies as required by the law (sec. 2, resolution No. 72, second session Fortieth Congress) and charge the same as exchanges, provided for by law.

#### *Survey—*

*Contributions to North American Ethnology*: Only volumes 1, 3, and 4 received. *Dr. G. S. P. G.'s "Proof Sheets" of North American Languages*: Of this only 100 copies were printed, and the designation "proof sheets" is evidently a misnomer. The work is prefaced by the author as well as by Major Powell, who calls the work "a volume." Said volume (proof sheets) is printed on both sides of the leaf. Doc. 732—62

paper, is paged consecutively, is indexed, bound, and provided with an appendix, and from these considerations constitutes a volume, but not "proof sheets." It was published—to form, after being revised and reprinted, the tenth volume of the Contributions to North American Ethnology—at public expense, printed at the Government Printing Office, hence it should come under the law [sec. 2 (resolutions to carry into effect the resolution approved March 2, 1867, for the exchange of certain public documents) of resolution No. 72, second session Fortieth Congress] which directs that 50 copies should be furnished for international exchanges.

*th Census of the United States—*

Monographs: Not one single volume of these has been received under Section III of the Government publications, as prescribed by law.

*a Commission—*

Bulletins: Volumes 1–4.

*e Department—*

Consular reports: There are now published more than 50 of these reports, but only the first 22 have been received for international exchanges.

*ications of the Coast and Geodetic Survey—*

Nothing received.

*erican and Foreign Claims Commission—*

French, Haiti, Spain, Alabama, etc., of neither of which one single work has been received, and in fact all the publications of the Departments and Bureaus of the Government as independent series, although they may have been furnished as Congressional (miscellaneous) documents, which, however, constitute a distinct series in themselves.

*ch 15, 1886.*

Convention between the United States, Belgium, Brazil, Italy, Portugal, Serbia, Spain, and Switzerland for the international exchange of official documents, scientific and literary publications, concluded at Brussels March 15, 1886.

See Ratification by the President, July 19, 1888, and Proclamation of the President, January 15, 1889.)

Stat. XXV, 1465.)

INTERNATIONAL EXCHANGES—ESTIMATES.

*ember 7, 1885—House.*

Estimates for 1887.

For expenses of the system of international exchanges between the United States and foreign countries, under the direction of the Smithsonian Institution, including salaries or compensation of all necessary employees, \$10,000.

For payment to Smithsonian Institution for freight on Observatory publications sent to foreign countries, \$136.

*ember 9, 1886—House.*

Estimates for 1888.

For expenses of the system of international exchanges between the United States and foreign countries, including salaries or compensation of all necessary employees, \$15,000.

NOTE.—The business of exchanges has increased during the last year fully 33 per cent, and since the appropriation was first established at \$10,000, 50 per cent.

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July 10, 1887.

letter of S. F. Baird, Secretary of the Smithsonian Institution, Senate Committee on Appropriations:

expenses of the system of international exchanges between the United States and foreign countries, including salaries or compensation of all necessary employees, \$10,000 to \$12,500; original estimate, \$15,000.

According to the judgment of the House Committee on Appropriations, I have not asked for the full amount of the estimates, but have reduced them to the lowest sum which I think can be made to do justice to the service in question; nor have I asked for the renewal of items that have been omitted entirely.

February 2, 1886—Senate.

Mr. William J. Sewell, from Committee on the Library, reported an amendment to the legislative bill for 1887:

For the expenses of exchanging public documents for the publications of foreign Governments, \$2,000.

(No final action was taken.)

#### INTERNATIONAL EXCHANGES—APPROPRIATIONS.

July 1, 1886

Legislative, executive, and judicial act for 1887.

Library of Congress: For expenses of exchanging public documents for the publications of foreign Governments, \$1,500.

(S. at. XXIV, 177.)

His pay is one clerk at \$900 and one clerk at \$600.)

Naval Observatory: For payment to Smithsonian Institution for the purchase of publications sent to foreign countries, \$136.

(S. at. XXIV, 198.)

Patent Office: For purchase of books for the scientific library and for the expenses of transporting publications of patents issued by the Patent Office to foreign Governments, \$3,000.

(S. at. XXIV, 201.)

April 4, 1886.

Sundry civil act for 1887.

For the expenses of the system of international exchanges between the United States and foreign countries, under the direction of the Smithsonian Institution, including salaries or compensation of all necessary employees, \$10,000.

(S. at., XXIV, 236.)

War Department: For the transportation of reports and maps to foreign countries, through the Smithsonian Institution, \$100.

(S. at., XXIV, 249.)

March 3, 1887.

Sundry civil act for 1888.

For the expenses of the system of international exchanges between the United States and foreign countries, under the direction of the Smith-

sonian Institution, including salaries or compensation of all necessary employees, \$12,000.

(Stat., XXIV, 523.)

War Department: For the transportation of reports and maps to foreign countries, through the Smithsonian Institution, \$100.

(Stat., XXIV, 535.)

March 3, 1887.

Legislative, executive, and judicial act for 1888.

Library of Congress: For expenses, of exchanging public documents for the publications of foreign governments, \$1,500.

(Stat., XXIV, 600.)

(This pays one clerk at \$900 and one clerk at \$600.)

Naval Observatory: For payment to Smithsonian Institution for freight on Observatory publications sent to foreign countries, \$136.

(Stat., XXIV, 621.)

#### SMITHSONIAN BUILDING—ESTIMATES.

December 7, 1885—House.

Estimates for 1887.

For urgent and necessary repairs to the central and western portions of the Smithsonian Institution, \$5,000.

December 9, 1886—House.

Estimates for 1888.

For urgent and necessary repairs to the central and western portions of the Smithsonian Institution building, \$15,000.

December 11, 1886.

Hon. S. J. RANDALL,

*Chairman House Committee on Appropriations.*

SIR: I beg to explain in reference to the estimate for fireproofing a portion of the Smithsonian building that this is strictly for the purpose of preserving the property of the United States which is exhibited therein. The alcoholic collection of reptiles, fishes, marine invertebrates, etc., are all in and adjacent to this range, which is very combustible, so that should fire break out it would not only burn out the building, but destroy a very valuable portion of the National Museum.

The Smithsonian building was originally erected at the expense of the Smithsonian fund and completed about 1856, after which it was occupied almost exclusively by and for the Museum, only the eastern range and wing being devoted to other purposes. Congress has little by little made the necessary appropriations for fireproofing the defective portions of the building, and the appropriation asked for practically completes the work.

The Smithsonian Institution unfortunately has no funds for doing such unusual and special work, its income being all required for the established routine of its active operations. The balance on hand June, 1885, was simply the amount available for carrying on the Institution for the following six months.

Respectfully, yours,

SPENCER F. BAIRD,  
*Secretary Smithsonian Institution.*

SMITHSONIAN BUILDING—APPROPRIATIONS.

3, 1887.

Sundry civil act for 1888.

For urgent and necessary repairs to central and western portions of Smithsonian Institution building, \$15,000.  
(at., XXIV, 512.)

BUREAU OF ETHNOLOGY—ESTIMATES.

March 7, 1885—House.

Estimates for 1887

For the purpose of continuing ethnological researches among the American Indians, under the direction of the Secretary of the Smithsonian Institution, including salaries or compensation of all necessary expenses, \$50,000.

March 8, 1886—House.

Estimates for 1888.

For the purpose of continuing ethnological researches among the American Indians, under the direction of the Secretary of the Smithsonian Institution, including salaries or compensation of all necessary expenses, \$50,000.

BUREAU OF ETHNOLOGY—APPROPRIATIONS.

March 4, 1888.

Sundry civil act for 1887.

For the purpose of continuing ethnological researches among the American Indians, under the direction of the Secretary of the Smithsonian Institution, including salaries or compensation of all necessary expenses, \$40,000.  
(at., XXIV, 237.)

3, 1887.

Sundry civil act for 1888.

For the purpose of continuing ethnological researches among the American Indians, under the direction of the Secretary of the Smithsonian Institution, including salaries or compensation of all necessary expenses, \$40,000.  
(at., XXIV, 524.)

BUREAU OF FINE ARTS.

March 10, 1886—Senate.

Mr. WILKINSON CALL introduced a bill (S. 450):

That there be, and is hereby, created in the Smithsonian Institution a bureau the Bureau of the Fine Arts, the management of which is intrusted to the Secretary of the Smithsonian Institution.

**SEC. 2.** That the purpose and duties of this Bureau shall be to aid in the development of the fine arts in the several States and Territories of the United States, by the reproduction, for the use of art schools and academies, of casts of statuary and other objects used in giving instruction in art; by preparing and distributing plans for the construction of buildings and the adaption of rooms suitable for use as art schools, with printed plans for the organization of various grades of art; academies and classes; by causing to be held annually in Washington, District of Columbia, a public exhibition of works of art, open to all desiring to exhibit, in which the fairest possible opportunity for exposition shall be afforded all contributors; and by the publication of an annual register containing an account of new discoveries, inventions, and methods of instruction useful to students of art, together with a report of the progress of the fine arts in the United States.

**SEC. 3.** That the reproductions and publications of the Bureau shall be distributed among institutions of art, under such regulations as the Secretary of the Smithsonian Institution may establish.

**SEC. 4.** That the Secretary of the Smithsonian Institution shall provide suitable quarters for the holding of the annual art exhibition.

**SEC. 5.** That for the purpose of carrying on the operations of this Bureau there be, and is hereby, appropriated for the fiscal year beginning July 1, 1886, the sum of \$——, to be paid by the Secretary of the Treasury out of any moneys in the Treasury not otherwise appropriated, and expended under the direction of the Secretary of the Smithsonian Institution.

Referred to Committee on the Library.

#### NELSON'S REPORT ON ALASKA.

*January 18, 1886—House.*

Mr. RICHARD W. TOWNSEND introduced a concurrent resolution to print reports of E. W. Nelson and L. W. Turner on Alaska.

Referred.

*January 20, 1886—Senate.*

Mr. C. F. MANDERSON introduced a concurrent resolution to print Nelson's report on Alaska.

Referred.

*May 25, 1886—Senate.*

Mr. J. R. HAWLEY, from the Committee on Printing, reported favorably a concurrent resolution referred to that committee:

*Resolved, etc.,* That the report on Alaska, by E. W. Nelson, be printed, with the necessary illustrations, and that 4,000 additional copies be printed, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 copies for distribution under the direction of the Chief Signal Officer of the United States Army.

The President pro tempore (Mr. JOHN SHERMAN). The question is on the adoption of the resolution.

Mr. WILLIAM B. ALLISON. I see that the resolution includes an appropriation for the necessary illustrations. I should be glad to be informed on that point.

Mr. HAWLEY. I was about to state (the inquiry is perfectly proper) that this is one of the two reports sanctioned by the Smithsonian

ation, reports made by officers of the Signal Service under scientific instruction from the Smithsonian. Professor Baird places a high estimate upon them. One of them has been ordered to be printed by the Senate. This one costs but \$1,500 for the whole series, the regular number and the additional copies. There are many illustrations, but not expensive ones.

• P. B. PLUMB. I should like to ask the Senator from Connecticut if anybody in connection with the Smithsonian Institution writes anything which is not printed at public expense?

• HAWLEY. That is an indefinite question. I am unable to answer. I suppose whatever they write that is valuable gets printed either by their own funds or by the vote of Congress.

• PLUMB. The question as to whether it is valuable, I think, if applied to the ordinary test applied to the emanations of other persons would probably be decided against the value of the work that is published. I do not know myself of any person in Government service, except Senators and Members of Congress, who have a right to write anything they please and have it printed at the Government Printing Office. I should like to hear of anybody else. If any person knows of anyone who is authorized thus to inflict upon the taxpayer of the people what he has to say, I should like to hear of it.

• The PRESIDENT pro tempore. The question is on agreeing to the resolution.

• The resolution was agreed to.

• 1886—House.

passed.

#### TURNER'S REPORT ON ALASKA.

• May 20, 1886—Senate.

• C. F. MANDERSON introduced a concurrent resolution to print a copy of L. M. Turner on Alaska.

referred.

• May 10, 1886—Senate.

• JOSEPH R. HAWLEY, from Committee on Printing, reported a concurrent resolution:

*Resolved, etc.,* That the report on Alaska, by L. M. Turner, be printed with the necessary illustrations, and that 4,000 additional copies be printed, of which 1,000 shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 copies for distribution under the direction of the Chief of the United States Army.

• The President pro tempore (Mr. JOHN SHERMAN). Is there objection to the present consideration of the resolution?

• PRESTON B. PLUMB. I object.

• The PRESIDENT pro tempore. The Senator from Kansas objects to the present consideration of the resolution, and it goes over under the

# CONGRESSIONAL PROCEEDINGS.

Mr. HAWLEY. Will the Senator let me state the reasons that led the committee to make a favorable report and then interpose his objection?

Mr. PLUMB. Certainly.

Mr. HAWLEY. The reports which the committee has recommended to be printed were made by two officers of the Signal Bureau who were sent to Alaska upon that service, but for certain scientific purposes were placed under the orders and instructions of Professor Baird. The first prejudice of the committee was against printing such things, but it has happened before that when gentlemen, perhaps well qualified, were stationed in similar places they busied themselves at odd hours with scientific studies and made reports which they considered very valuable and interesting, as perhaps they were, and then were very anxious to have the Government print them. We were inclined at first to put these reports into that general class, but I send to the desk and have read a letter of Professor Baird concerning them.

SMITHSONIAN INSTITUTION,  
Washington, D. C., January 16, 1886.

Sir: I have the honor to acknowledge your letter of January 15, in reference to reports upon the natural history and ethnology of northwestern Alaska, made by Messrs. E. W. Nelson and L. M. Turner, meteorological observers in that country of the Signal Service. By the courtesy of the Signal Office the natural history labors of these gentlemen were prosecuted under the direction of the Smithsonian Institution, which furnished instructions and the necessary material for the same, while the reports of these gentlemen were prepared by the Smithsonian Institution, with the assistance of the collaborators of the National Museum. I am, therefore, quite ready to say that the results obtained are of exceptional interest and value, as furnishing the only accurate and reliable information at our command upon the vegetable, animal, and mineral resources of the region, the productivity and character of the soil, and other points of great practical interest in connection with the future of that country. Detailed notes of observations of their habits and life characteristics were secured by these gentlemen, with collections of specimens in such great magnitude and variety as to have made the National Museum prominent by their possession.

The publication of these reports is therefore extremely desirable, as representing the only detailed and extended information at our command of a large region belonging to the United States.

Very respectfully,

SPENCER F. BAIRD.

W. B. HAZEN, *Chief Signal Officer.*

January 14, 1886—Senate.

Passed.

January 18, 1886—House.

Received and referred.

January 23, 1886—House.

Mr. JOHN M. FARQUHAR, from the Committee on Printing, submitted a report (H. 3060) to accompany Senate concurrent resolution passed January 20:

The Committee on Printing, to whom was referred the accompanying Senate concurrent resolution, providing for printing the report on

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and, by L. M. Turner, respectfully report the same back to the committee, and recommend its passage.

The value of the report recommended to be printed is evidenced by official communication from Prof. Spencer F. Baird, of the Smithsonian Institution.

[Senate proceedings, February 10, 1886.]

The estimated cost of printing the 4,000 copies and illustrations is \$1,000.

It was committed to Committee of the Whole.

1886—House.

JOHN M. FARQUHAR called up Senate concurrent resolution (S. H. 3060) providing for the printing of the report on Alaska, by L. M. Turner.

S. J. RANDALL. I would like to know the cost of printing this report.

FARQUHAR. I ask that the report of the committee be read.

The report (by Mr. Farquhar) was read.

[House proceedings, June 23, 1886.]

R. W. DUNHAM. I desire to inquire of the gentleman from New York [Mr. Farquhar] why it is necessary to furnish the Signal Office with 4,000 copies of this report.

FARQUHAR. In cases of this kind there is a general distribution, and a large number of the copies given to the Senate and House, to all these different departments. Very often Members and Senators, after making their own reports, can only obtain copies by sending to the Departments (as, for instance, in this case the Signal Office) to get overplus copies that may be at command. This is the plan, I understand, now adopted, in lieu of the old system of laying by volume for sale. The surplus copies are put at the disposal of the committee that is concerned in sending the report to Congress. I can not give any special reason why there should be a greater or less number of copies to these bureaus.

ROGER Q. MILLS. They have to furnish copies of their reports to a great many correspondents all over the world, from whom they receive information of the same character. I have talked with some officers of the Government in reference to this matter, and in many cases these documents are distributed all over Europe, and documents of a similar character are received in return.

RANDALL. Has the Signal Office been instrumental in getting this report?

FARQUHAR. As the report of the committee states, it was through the courtesy of the Signal Office that these two officers, Mr. Nelson and Mr. Nelson, gathered all the matter for these reports. It was done at the Signal Office, and also by Professor Baird, that the reports of these two gentlemen are the most complete ever made on this subject.

CONGRESSIONAL PROCEEDINGS.

and they are made with the sanction of the Signal Office.  
e made in connection with the Signal Service.

NDALL. Within the scope of the Signal Service duty.

LLIAM M. SPRINGER. Mr. Speaker, in ordinary cases I would  
printing any report of this kind. In the case of Alaska it  
me almost any valuable information to be had should be  
or circulation among the people. It has come to the knowl-  
ne of the committees of the House that the publications on  
et heretofore have not been reliable; that there were persons  
and elsewhere in the United States interested in giving out  
information in regard to that Territory.

been informed by reliable authority that Alaska is destined  
of the great empire States in the Union in the future, and  
means of securing accurate information is provided I am in  
printing that information. I met a gentleman who spent the  
ere, and he told me he never spent a milder winter in his  
the climate was almost tropical in its character; that, while  
othing of bananas growing there or big sunflowers blooming,  
r that the winter in its mildness was extremely enjoyable.

NDALL. Does the gentleman from Illinois state that the cli-  
laska is tropical and that sunflowers and bananas ripen there?

RINGER. I do not know what the report of the committee  
regard to this production, but I do hope the report contains  
information concerning the Territory of Alaska, which has  
uch misrepresented.

NDALL. Does the gentleman say sunflowers bloom there?

RINGER. It was merely stated that while sunflowers did not  
ere and bananas did not ripen there, nevertheless the winter  
d one.

NDALL. I know that oats do not ripen there at all.

RINGER. I am willing to spend \$4,000 for the publication of  
t. The fish industry of Alaska is exceedingly important. It  
at a gentleman wishing to cross the mouth of a river in Alaska  
e to do so in his canoe because the salmon were so thick.

HELBERT BARKSDALE. After this most voluinous exposition  
port, I have no doubt the House is willing to vote. I there-  
and the previous question.

vious question was ordered, and the concurrent resolution  
ed.

REPORT OF THE SMITHSONIAN INSTITUTION.

1886—Senate.

STIN S. MORRILL introduced a joint resolution (S. 33):

by the Senate, etc., That hereafter there be printed of the annual reports of  
sonian Institution and of the National Museum, in two octavo volumes,

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*February 25, 1887—Senate.*

Passed.

*March 2, 1887—House.*

Passed.

CAPRON JAPANESE COLLECTION.

*February 8, 1886—Senate.*

Mr. DANIEL W. VOORHEES submitted a resolution:

*Resolved*, That the Committee on the Library be, and is hereby, instructed to inquire into the propriety and expediency of purchasing for the Government the collection of Japanese specimens, works, and objects of art made by the late Gen. Horace Capron during a long actual residence in Japan, and left by him, in his lifetime, on deposit in the Smithsonian Institution; and that said committee shall report on the subject by bill or otherwise.

Agreed to.

Mr. VOORHEES. I ask that a descriptive catalogue of the collection may be referred to the Committee on the Library.

The President pro tempore (Mr. JOHN SHERMAN). If there be no objection it will be so referred.

*March 4, 1886—Senate.*

Mr. DANIEL W. VOORHEES, from the Committee on the Library, submitted a report (S. 196), accompanied by a bill (S. 1772):

That the sum of \$10,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of "the Capron collection of Japanese works of art," now on temporary deposit in the National Museum at Washington, District of Columbia.

*June 18, 1886—Senate.*

The bill (S. 1772) was considered as in Committee of the Whole.

Mr. WILLIAM B. ALLISON. Let the report be read.

In the matter of the purchase of "the Capron collection of Japanese works of art," now on temporary deposit in the National Museum, referred by resolution of the Senate to the Committee on the Library, that committee reports a bill for the purchase of the same.

Your committee also reports the letter of Spencer F. Baird, Secretary of the Smithsonian Institution and Director of the U. S. National Museum, together with the letter of G. Brown Goode, assistant director, on the subject of said collection.

U. S. National Museum, under direction of the Smithsonian Institution.

WASHINGTON, *February 26, 1886.*

SIR: I am in receipt of your communication asking my opinion as to the probable value of the Capron collection of Japanese works of art, and as to the desirability of their purchase. I have requested one of my assistants to examine the collection, and inclose herewith his report.

The Capron collection is an interesting one, and is constantly increasing in value. In fact, several of the articles included could probably not be readily obtained elsewhere. In view, therefore, of the fact that Japanese art is undergoing great deteri-

is rapidly disappearing, it would seem eminently appropriate that a which is so interesting to artists and so suggestive to students of industrial designers, should become the property of the Government and be deposited in the National Museum. We have already a large number of objects of a rare, for the most part the gift of the Japanese Government, acquired both by the expedition of Perry's expedition and during the past year. The Capron collection would give to the National Museum a very creditable collection illustrating Japanese arts and manufactures.

sir, yours, very respectfully,

SPENCER F. BAIRD,  
*Secretary Smithsonian Institution  
and Director U. S. National Museum.*

J. SEWELL,  
*man Joint Library Committee, United States Senate.*

U. S. National Museum, under direction of the Smithsonian Institution.

WASHINGTON, February 23, 1886.

In accordance with your instructions, I have carefully examined the collection of works of art belonging to the estate of the late Gen. Horace Capron, with a view to estimating its desirability for the use of the National Museum, and of ascertaining its commercial value, and have the honor to report as follows: The collection, in connection with similar objects already the property of the Museum, will be extremely serviceable, and I should hope that it may be possible to

acquired objects are the most valuable, particularly the four which bear the names of the families of shoguns—the Tokagawa family, if my memory serves me right. These I estimate at \$3,000. There are also about twenty pieces of smaller size, of them of great age and fine quality. These are probably worth \$1,000. The lacquer, \$4,000.

There are 46 in number, 5 being of large size. I place their value at \$3,500. There are also 2 pieces in silver bronze and 1 in gold bronze, representing birds, which I place at \$1,100.

37 carvings of ivory, estimated worth \$700, and 10 carvings in wood, at

lacquers and enamels are worth, perhaps, \$1,025. The armor, lance, and

The large pictorial screens, albums, and scrolls, \$450. This makes a total of \$75.

Also the collection of coins, containing 63 pieces; 35 of them are of gold, about 600 grams. I am told that an expert from New York appraised them as worth \$5,000. I think it may safely be considered worth \$3,000; now little or nothing of the value of Japanese coins.

The total thus amounts to \$14,675. I may add that there has been an enormous increase in the value of such objects since the collection was first deposited in the Museum, and that the figures here presented are nearly double what I should have thought it proper to submit under similar circumstances five years ago. I have, however, a dealer's familiarity with values, but am tolerably well acquainted with the subject under consideration, and do not believe that my estimates are too high, or that they are not too low, particularly in the case of the lacquers, I am not aware.

, very respectfully,

G. BROWN GOODE,  
*Assistant Director.*

SPENCER F. BAIRD,  
*Director U. S. National Museum.*

A revised descriptive catalogue of the foregoing collection is also submitted as a part of this report.

*Descriptive catalogue (revised) of Gen. Horace Capron's collection of specimens of antique Japanese works of art, temporarily deposited in the U. S. National Museum, Smithsonian Institution.*

#### INTRODUCTION.

In Japan, the love of art has penetrated even to the lowest classes of the people. Their fancies, conceits, poetry, puns, legends, and mythology are all expressed in characteristic forms of art, such as are enumerated in the collection herein described. Instead of ink and paper, or paint and canvas, the artists have selected, as their mediums of expression, porcelain, lacquer work, screens, embroidery, ivory, and crystal.

This rare and original collection was made by General Capron during a long residence in Japan, which covered a period of the greatest interest in the history of that Empire, embracing as it did the closing scenes of a revolution which terminated in the abolition of the feudal system, thereby forcing the Daimios and princes of the Empire to offer for sale vast treasures in the way of rare art productions of the days of Japan's greatest prosperity and unrivaled proficiency, specimens of which had been sacredly guarded for centuries. It was from such sources that this collection was taken.

The numerous legends herein recorded were gathered from the people during actual residence among them, and subsequently corrected and elaborated, reference for the purpose being had to Prof. W. E. Griffis's works, *The Mikado's Empire* (Harpers, New York), *Corea, the Hermit Nation* (Scribners, New York), *Japanese Fairy World* (J. H. Barhyte, Schenectady, New York), and to Audesley and Bowe's, *The Ceramic Art of Japan*.

The greater portion of the lacquered work of the collection was taken from the private stores of the Tycoons, which were confiscated at the close of their reign by the Mikado's Government. These pieces bear the armorial insignia of the princely families in which they have been treasured for centuries. Other specimens in this collection were derived from imperial sources as presents. The peculiar significance of the combinations of plants and birds in these pieces will be found in the notes appended to this catalogue.

All the articles embraced in this collection were secured before any attempt had been made to imitate these rare and unrivaled works of Old Japan, and the substitution of gamboge, tinfoil, and other combinations for pure gold used in the decorations of these antiques.

The time required to produce a first-class lacquered specimen was formerly from four to six years. The longer the time given to each coating the harder and more durable it becomes. From six to eight and even twenty coats of lacquer are necessary for the best work, applied at intervals of from four to six months; hence the worthlessness of the lacquer productions of the present period.

In their ceramic products, likewise, especially the Satsuma faience, time or labor under the old dynasties were not considered, and during the existence of the Satsuma princes in full power the pure specimens of their potter's work, now so rare, were made without regard to cost. These were never designed to be sold, but were made to serve as presents among the princes and rulers of the Empire. No such ware is made at the present time worthy the attention of foreign purchasers. The Satsuma faience in this collection was procured when the lords of Satsuma were wealthy and and in the height of their power.

No. 1. The cock on the drum is often chosen by the artist in cloisonné, lacquer, porcelain, and bronze. It is a symbol of good government and a peaceful state of

It was an ancient custom in China and Japan to station a drum on a stand of the magistrate's office. Anyone oppressed or maltreated could come and, by beating the drum, call attention to his complaint and receive redress. In time of war or public disturbance the drum would often sound, scaring away birds and beasts. But when all was "peace under heaven" the drum was neglected. Years passed in peace and quietness; vines grew up and encircled the drum; rust corroded and a large piece fell from the side. The cock with his flock, becoming used to the peaceful aspect, selected it as a fit abode for his harem, and the quiet life of the mother with her little brood as they appear in peaceful possession of the drum is the result. By such simple means are great events remembered and customs transmitted for ages.

#### ELABORATELY CARVED IVORIES.

Medicine chest.

An elaborately carved ivory cylinder, exhibiting a religious procession going up a hill through bowers of trees and flowers.

Cigar case.

*Fukuroku Jin*.—Fukuroku Jin is one of the seven gods of happiness, and the god of long life and prosperity. He is represented with a cheerful countenance, a long flowing beard, and is usually accompanied by a crane or stork, which is the symbol of longevity, and said to live ten thousand years. Everyone likes Fukuroku Jin, and wants to get his favor and live long. Children are amused by him. He is often seen at weddings, with his long white hair and pleasant smile. (Jap. Fairy Tales, p. 78.)

*Akechi*.—This figure, it is believed, is intended to represent Akechi Mitsuhide, who betrayed Nobunaga at Kioto in 1568–1569. He was a stern, proud man. Not liking the crafty manner in which Nobunaga, in a merry mood, at a feast at his own house, strangled Akechi around the neck and made a drum of his head by drumming on a fan, he determined upon revenge. This he accomplished by surprising Nobunaga in his palace at Kioto. (The Mikado's Empire, p. 231.)

*Kiyomori*.—This tall figure of a warrior in a passion—in white ivory—is Minamoto no Yoritomo, who caused the death by assassination of Yoshitomo. In 1159 he contrived a plan for the complete extermination of the Taira, which was centered in the children of Tokiwa, the concubine of Yoshitomo. (The Mikado's Empire, p. 231.) Tokiwa is represented in an ivory group of a mother and her three little children fleeing for safety through the snow. For the interesting history of her escape from his wrath, and the eventual restoration of her family to power, see the group attached to that group of ivory, No. 24.

The ivory figure with goggle eyes and distorted countenance is one of the gods. They are seen standing on either side of the main entrance to the temples. They are of colossal size, and the more hideous the better.

A beautiful carved representation of a brave man who killed a serpent which for a long time had infested his neighborhood.

Represents a citizen of the third class in holiday dress.

Represents a lady of the third class in holiday dress.

*Yoritomo*.—This elaborate carving in ivory represents one of Japan's heroes. He was of the Minamoto family, and lived in the twelfth century. His history is filled with his heroic exploits. In his younger life he was a "Bluff King Harry," and in his after life he became a "Bluff King Harry," barring his path of evil tendencies. (Chap. xiv, The Mikado's Empire.)

*Kai Riu O*.—(The god with a black ball in one hand, white in the other.) He represents the god of the sea, who is in the act of raising a tempest in the East by rolling a black ball, or smoothing it down by rolling the white ball. (Japanese World, p. 273: The Jewels of the Ebbing and the Flowing Tide.)

No. 15. *Hideyoshi*.—Hideyoshi, born of a peasant family in 1536, was represented as a cunning, reckless boy, at one time a "betto" (groom). He grew up a man of war and a successful soldier. He first reduced the daimios to submission, and then sent his generals Konishi and Kato Kiyomasa, to invade Korea, which he made tributary to Japan. Hideyoshi was one of Japan's ablest rulers. He died in 1598. (See *Corea, the Hermit Nation*.)

No. 17. *Kato Kiyomasa*.—This figure is supposed to represent Kato Kiyomasa, who commanded one wing of Hideyoshi's army in the Korean expedition in the sixteenth century. It was he that instigated the cutting off of the ears of the Koreans killed in battle. The ears of 10,000 Koreans killed in one battle were cut off and preserved in salt, or sake, and carried back to Japan. In the city of Kioto stands to this day a barrow—Mimidzuka, or Ear Monument—under which are entombed the ears of the 10,000 Korean warriors. (The Mikado's Empire, p. 245.)

No. 18 represents an ancient warrior in full armor. Japanese armor is made of steel and lacquered paper, laced with silk cords.

No. 19. *Lu Wen, the Japanese Rip Van Winkle*.—This woodman one day shouldered his own ax and started for the woods to procure his winter's supply of fuel, but was beguiled by a large fox a long distance up the mountain, when suddenly he came upon two beautiful ladies seated upon the ground playing checkers. Lu Wen stopped and wondered, but the ladies took no notice of him, continuing their game, not even asking him to play with them. At last Lu Wen bethought himself of his home and family and the necessity for his preparation of his winter's wood. Turning back he went off down the mountain, but his cabin was gone. The venerable rocks were there, but a strange people surrounded them; the children mocked, the dogs barked at him; no one knew him and he knew no one. His long white beard swept the ground and his strange appearance excited wonder. At last he was met by a venerable lady, who, taking compassion upon him, informed him that away back in the history of her family there was a man lived in that neighborhood by the name of Lu Wen, but that was six generations back, and no one ever knew what became of him; so poor Lu Wen hobbled up the mountain side and was never heard of after. (The Mikado's Empire, p. 503.)

No. 20. *Hotei, the Japanese Santa Claus*.—Hotei is one of the seven patrons of happiness. He is as round as a pudding and as fat as if rolled out of dough. He is a jolly vagabond, but a great friend of the children, who romp over him, standing upon his knees and hanging around his shoulders, pulling his hair and his long ears. He always has something good for them, which he carries in a sack, which he partially opens that they may see what it contains, but suddenly closes it before they have fairly ascertained its contents. By and by, if the children are good, he opens it. (Japanese Fairy World, p. 83.)

No. 21. *Daikoku*.—Another of the seven patrons is a short, chubby fellow, with eyes half sunk into his fat face, but winking with fun. He has a cap set on his head, a long sack over his shoulders, his throne is two straw bags of rice, and his badge a small hammer or mallet, with which he makes people rich when he shakes it at them. He has long, lopped ears.

No. 22. *Raiko and the dragon*.—Raiko was famous for his prowess in arms, and deified because of his having killed the great ghoulish three eyes, and the Doji, or giant-boy demon, who ate up young girls. (Japanese Fairy World, p. 191.)

No. 23. This exquisitely wrought ivory figure represents a Japanese fisherman, returning from the scene of his daily labor, bearing his little child upon his shoulders holding a fish. It is a beautiful illustration of a Japanese's love for his children. To fully appreciate the delicacy of the carving in this, as in all the other pieces in this collection, it should be examined under a magnifying glass.

No. 24. This group represents Tokiwa. Tokiwa was a young peasant girl of superior beauty, whom Yoshitomo made his concubine, and who bore him three chil-

he fled to escape the minions of Taira, after the death of her lord in 1159, assassinated in a bath by three hired assassins at Utsumi, in Owari. Her flight was in winter, and snow lay upon the ground. She knew neither how to go nor how to subsist; but clasping her babe to her bosom, her two little boys by her right, one holding his mother's hand, the other carrying his father's sword, they trudged on, nearly frozen and half starved. She was met in her flight by a soldier, who, pitying her and her children, gave her shelter and protection, supplying her and her children from his own meager rations. Her husband's enemy, Kiyomori, was anxious to overtake her, and, believing that her filial piety for her mother would cause her to yield herself up, had seized upon her. He had heard of her mother's endurance at Kyoto. Then came the struggle between duty and filial love. To enter Kyoto she feared would be the death of her children; but for the salvation of her mother, a sentiment so strong with the Japanese, she was influenced to take her course into the city and to trust to her beauty and charms to melt the heart of Kiyomori. Thus she saved the lives of her mother and children. The babe at her breast was the future Yoshitsune, a name which in this period awakens in the breast of a Japanese youth emotions that kindle enthusiasm to emulate a character that was the mirror of chivalry, valor, and noble conduct. He was the Chevalier Bayard of Japan. The oldest son, who is seen in the group carrying his father's sword, became a noted warrior. (*The Empire*, p. 124.)

This figure, a companion to No. 23, is another specimen of skill of the artist in this art of carving in ivory, and should be examined under a high magnifying power.

A mail-clad warrior of the sixteenth century.

A Japanese water carrier.

A street juggler, with his boy acrobat.

Peasant girl and child.

The children's friend and adviser.

An exquisite carving, representing three field mice.

One of the gods, possessing power to control wild beasts.

Fukuroku Jin, mounted on a horse. (See legend attached to No. 5.)

*Benton, Queen of the World under the Sea.*—(Legend:) In the sixth century lived upon the coast of Tango a poor fisherman and his wife. Their only subsistence was the fish caught from the sea by their only son, Taro. One day in autumn Taro was out as usual in his boat. The sea was rough and the waves high. He uttered a prayer to the sea god Kai Riu O. Suddenly there appeared upon the crest of the waves a divine being, robed in white, riding upon a tortoise. Approaching the wearied fisherman, he greeted him kindly, and asked the poor fisherman to follow him and he would make him a happy man. Mounting the tortoise, he sped away with marvelous celerity. The wonderful things witnessed in the realms below the sea it would take pages to describe—palaces; richly dressed ladies, with retinues of pages, waiting to welcome him; music, feasts, flowers, songs, and dances; rich jewels and precious gems, dazzling to behold. Amidst this splendor he spent most happily (what he supposed to be) many days, when he bethought himself of his parents, whom he felt it was his duty to leave so long without their usual supply of food. He determined to return.

The Queen allowed his request; he was escorted to the white marble gate and, mounting the same tortoise, soon reached the spot which he had left in his boat. The mountains and rocks were familiar to him, but no trace of his home was to be seen. All was changed. He made inquiries of an old gray-haired fisherman, who informed him that centuries before the persons he described had lived there, and had been buried long years ago, pointing out the place of their burial. He thought their names could be read upon some of the very old tombstones.

stones, if the moss and lichens, which completely hid them, could be removed. Thither Taro hied, and, after a long search, found the tomb of his parents. A cold shiver ran through him; his teeth, one by one, dropped from his mouth; his limbs stiffened, and his face wrinkled. The weight of four centuries was upon him—he died. The fishermen in various parts of Japan worship the memory of this good boy, Taro, who, even in the palace of the sea gods, forgot not his old parents. (The Mikado's Empire, p. 498.) In those days the jelly-fish—which is now a simple lump of jelly as white and as helpless as a pudding—was a lordly fellow, who waited upon the Queen of the World under the Sea, and right proud he was of his office. He would get his back up and keep it up high when he wished. He was on good terms with the king's dragon, which often allowed him to play with his scaly tail and never hurt him in the least. But, alas! by betraying the Queen's confidence on a certain occasion he was condemned to lose his shell and was afterwards to float helplessly and ashamed. Their children also were ever to be soft and defenseless. Banished from the Queen's province, the jelly-fish blushed in confusion, and, squeezing himself out of his shell, he swam out of sight. (Japanese Fairy World, p. 141.)

- No. 35. Carpenter with his adze.
- No. 36. Old man and boy, sheltered from the storm by a palm.
- No. 37. *Daikoku*.—(A small ivory figure with a dragon on its back.) A long while ago, when the Japanese first became Buddhists, they continued to burn incense to Daikoku, because he was the patron of wealth. The Buddhist idols took exception to this, and determined to get rid of him. They sent a dragon to destroy him, but Daikoku clung fast to his money bags, and only laughed at the dragon and all efforts to destroy him. At last he shook him off, and sent him away howling.

*The dragon*.—Chief among the ideal creatures of Japan is the dragon. It is seen carved upon the tombs, on the temples, dwellings, and shops. It appears upon the government documents, on their paper money, stamped upon their coins, carved in bronze, in wood, in ivory, and glares upon you from their pictures. There are many kinds of dragons, such as the violet, the green, the red, the white, the black, and the flying dragon. Some are scaly, some horned, all hideous—the more so the better. When the white dragon breathes, the breath of his lungs goes into the earth and turns to gold. When the violet dragon spits, his spittle becomes balls of pure crystal. One delights to kill human beings. One causes floods and storms. The fire dragon is only 7 feet long, but its body is all flame. (The Mikado's Empire, p. 478.)

- No. 38. Finely wrought group, representing the goat tamer with his little boy.
- In case No. 87 will also be found a choice collection of small but rare specimens of carving in bronze. They are all antiques. They are numbered from 39 to 67, inclusive.

These exquisite specimens of the carver's art are called Netsuke. They are all drilled with two holes in the back, through which silken cords (holding pipe, tobacco pouch, and the smoker's outfit) are run; and the ivory button thrust through the girdle holds the smoker's kit easily. In every sense, these ivory toggles are fine illustrations of Japanese decorative art.

- No. 68. A case containing a collection of Japanese coins. These were secured only after several years' persevering labor. No attempts at preserving the coins of the country had been made, and those were found here and there among the old curio hunters, assisted by the obliging managers of the Oriental Bank, and Mitsui, the great Japanese banker. Some date from the sixteenth century, others from the fourteenth, and exhibit the early attempts of the Japanese to convert their bullion into convenient forms for circulation, and show their gradual advancement to the beautiful milled coinage of the present day.

Nos. 72 and 73 are two albums, bearing the Tycoon's crest. They were taken from his private collection. They were originally intended for the preservation of autograph verses of their most renowned poets, of which some twenty or more specimens

ed in the Japanese Hiragana. The reverse pages have been utilized by the  
or many excellent photographs made by Japanese during 1874, the photo-  
t then having been only a few years known there. They embrace various  
ch as the most famous shrines, temples, and parks.

. In the western division of this case will be found a variety of specimens  
se works in bronze and in lacquer, all of which are the productions of the  
owned artists of Old Japan, such as Goro Saburo, of Kioto.

is a delicately executed carving in bronze, representing an eagle upon a rock  
by a serpent crawling from under his perch. Nothing can excel this speci-  
er in the workmanship or the expression with which the artist has inspired

A beautifully enameled holder for a Japanese pencil or brush-pen.

An oval vase, carved in a most elaborate manner to represent a religious  
winding around an eminence. Pilgrimages to famous sacred mountains  
ered very meritorious acts among the Japanese.

This piece is wrought out of the root of a shrub, and represents birds treed

This is an artistic delineation of a peculiar tendency of the Japanese to  
are in all its forms, and to work into a significant shape every old stump or  
h, in their imagination, resembles a living form of man or beast.

One of the Seven Patrons of Husbandry, mounted upon a mythical animal  
g a reindeer. It is in gold bronze, and is a most spirited piece. He is sup-  
e on an errand of mercy.

Bamboo cigar holder.

A beautiful chow-chow box. A chow-chow box is a convenient arrange-  
serving up for a guest a meal of several courses. It is generally made of  
papier-maché, finely laid on lacquer. It is divided into sections (in this  
, held in place by a conveniently arranged handle. This serves not only to  
contents warm, but to keep them from slopping over. One of these is  
fore each guest as they are seated upon the matted floor, and a pretty Japa-  
en is always in attendance kneeling, ready to replenish the food when

One of these sections may contain fish, another rice, another soup from  
ed, and a fourth the vegetable daikon, or colossal silver radish, which com-  
principal menu of the Japanese.

A large scarf box, of pure gold lacquer, from the Tycoon's collection.

Gold-lacquered tray.

A gold-lacquered hibachi (the hibachi, or fire brazier). "The hibachi, or  
r," says Professor Griffis, "is to the Japanese household what the hearth  
e is in an Occidental home. Around it friends meet; the family gathers;  
onsult; children play; the cat purrs, and the little folks listen to fairy  
household lore from nurse and grandma." The hibachi is always found  
ese house in some form—often in bronze—carved into fantastic shapes. It  
ispensable requisite, and constant one to light the pipe; for the Japanese of  
s and of all ages and conditions smoke. Time is allowed for every laborer  
gress of his daily employment to "take a smoke." The Japanese pipe  
companies the hibachi is made with a tiny bowl. After long mechanical  
he nimble fingers, with automatic precision, roll up the small pellet of the  
cut tobacco in size just to fit the bowl of his pipe. This he touches to the  
oal in the ubiquitous hibachi, and after one, or, at most two, very deliber-  
the pipe is emptied and a fresh pellet prepared. A native will sit by the  
hanically rolling up these tobacco pills, oblivious, apparently, to all sur-  
s, and the exactness with which he forms his pellets to fit his pipe is won-  
A shrewd judge once discovered the thief who had stolen his gold-mounted  
oticing a suspected person engaged in preparing his pellets to fill his pipe.  
him draw from its pouch his golden pipe and commence abstractedly to

up the globules of tobacco, when, on turning to the brazier, the mouth of the pipe rolled downward, out rolled the pellet. It was made too small for the bowl of the pipe. Here, then, there was conclusive evidence that the pipe was not his own. (See Mikado's Empire, p. 501.)

No. 86. Robe chest, formerly belonging to the Tycoon; it bears his crest of the three mallow leaves within a circle. This is one of the finest representative pieces of the work of old Japanese artists extant.

No. 87. A cabinet, in old gold lacquer, from the Tycoon's private collection.

Nos. 88 and 89. Two gold-lacquered dispatch boxes, also from the Tycoon's private stores.

No. 90. A pearl-inlaid scarf box.

No. 91. The old Tycoon's helmet case, on which is emblazoned his crest.

No. 92. A chow-chow case of less pretensions.

In the eastern section of case No. 86 will be seen the following rare pieces:

Nos. 93 and 94. Two hanging tablets, originally intended for holding slips of paper, but now, through the agency of Tiffany & Co., converted into beautiful holders for a thermometer and a weather glass. They are very old and of pure gold lacquer.

Nos. 95 and 96 are two specimens of rare carving in wood. They are the productions of an unknown age, but believed to be of the fifteenth century. These pieces, when discovered, were laid away in a family tracing far back its descent. They were looked upon as "heirlooms," but were tempted the owners to part with them. The frames to these pieces were so old as to fall off in the handling, and were newly made since they came into the possession of the present owner.

No. 97. Cloisonné vase.—Is a splendid specimen of cloisonné work. There are few specimens of this kind.

No. 98. Another cabinet from the Tycoon's private stores. It is one of the finest specimens of old gold lacquer. It has on it the Tycoon's crest of three leaves within a circle, said to have been derived from a cake ornamented with three mallow leaves, offered in hospitality to the founder of the Tokugawa family in the fourteenth century.

No. 99. One of the imperial presents. It is several feet in height. The base or pedestal is of pure old gold lacquer; nothing ever made of this character of work surpasses it. On the pedestal rests a richly wrought silver vase of basket form, from which springs two branches of the Japanese plum tree (*mume*), converging to form an arch; on these branches are perched two nightingales wrought in silver. This combination of the nightingale with the plum tree is the poet's combination. It is a symbol of friendship and esteem.

No. 100. Another imperial present, equally exquisite in design and execution. The base is of pure gold lacquer. On this pedestal rests a representative of a rock inscribed in bronze, around which are twining branches of "*Paulownia Imperialis*," the imperial tree of Japan. Upon the top of this rock are perched, in graceful attitude, two of the mythical "*Ho-ho*," or, according to Griffis, *Ho-wo*. Both of these mythical birds are wrought from pure silver, and are of the highest order of Japanese work.

These two pieces—Nos. 99 and 100—were selected by members of the royal household from a collection of rare productions in the possession of the ancient emperors of the Empire, said to be two hundred years old.

*The Japanese idea of the mythical Ho-ho.*—(The *Ho-wo*, or phoenix, as seen in piece No. 100; sometimes written by the English *Ho-ho*.) The *Ho-wo*, as seen on the silver (imperial presents) is a fabulous bird of Chinese mythology, whose presence upon the earth are as rare as those of the angels. It is seen sculptured upon the tombs of the Shoguns of Japan, stamped upon their paper currency, and pictured in every way. It seems to be a combination of the pheasant and peacock. According to Professor Griffis, it is described by the Chinese as follows: "The phoenix (*Ho-wo*,

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) is the essence of water. It was born in the Vermilion cave. It roosts not in the most beautiful trees; it eats not but of seeds of the bamboo; it drinks not in the sweetest springs; its body is adorned with the five colors; its song contains notes. As it walks it looks around; as it flies, the hosts of other birds follow. Its virtues, obedience, justice, fidelity, and benevolence are symbolized in the decoration of its head, wings, body, and breast. Its appearance is waited with great interest, as the annunciation of some great event or the appearance of some great personage.

The paulownia and the Paulownia Imperialis tree are often blended as imperial symbols on the Mikado robes, curtains, etc. This tree is an emblem of rectitude. The paulownia forms the imperial crest. (The Mikado's Empire, p. 481.)

11. The Tycoon's sword rack, in gold lacquer.

12. The sword of the Tycoon.

13. A specimen of Japanese carving in wood, representing a fishing junk, a fisherman, a dog, and nets.

Along the case resting against the north wall are the following pieces:

104 and 105 are two Japanese screens, decorated with paintings on silk, representing street scenes in the city of Tokio in the times of the Shogunate; and also annual celebrations—as, for instance, the Feast of Flags, the annual display of the Nobori. This last is explained in the following sketch:

(*the paper fish*).—The fifth day of the fifth month—5th of May—is celebrated as the Feast of Flags, and is the day on which is displayed the Nobori, or flag. It is suspended from a tall bamboo pole over every house wherein a child has been born during the preceding year. This fish is generally of paper, but sometimes, among the wealthy, is made of silk, and graduated in size to suit the rank. In some instances 30 to 40 feet in length, generally from 6 to 10. They are painted to represent the carp, which fish is selected because of its ability to leap swiftly against a rapid current and leap over waterfalls, thus symbolizing energy of character, the ability to surmount great difficulties and eventually to succeed. (Japanese Fairy World, p. 227.) This fish being hollow and suspended by the mouth, the wind expands the body and it floats in the air with all the appearance of movement of a fish in his native element.

106 and 107. On these screens the paintings are on silk. They represent the three ruling classes in the Japanese Empire, under the dual form of the Mikado and the Tycoon. The robes of state and the details of every article of dress in each of the ranks, the Mikado, the Tycoon, and the daimios, even to the color and the material, as well as to form, was regulated by edict; so also was the dressing the hair. All were different down to the common cooly. The eyebrows, as seen upon the forehead of the Mikado, his wife, as also that of the Tycoon's consort, indicate their direct descent from the royal family. The Tycoons were not of royal descent, but as commanders in chief of the armies had the whole power of the throne for several centuries.

108. Bronzes in this case—

108 is an incense burner in octagon shape.

108½. Another small incense burner.

109. An elaborately carved falcon, perched upon the branch of a tree, which was used as a bouquet holder, although it was not originally intended for that. This beautiful specimen of Japanese carving in bronze will bear inspection; but to appreciate more clearly the wonderful productions during past ages of this isolated and uncivilized people it should be borne in mind that all this exquisite carving in bronze and in ivory are the results of patient hand labor, unaided by any mechanical appliances whatever. It is not infrequent that the decoration of one of these articles required the work of a skilled artisan for years.

No. 110 is a Japanese god upon a fish, representing the first introduction of letters to Japan. (Corea, the Hermit Nation, pp. 20, 51.)

No. 111 is a Japanese god upon a reindeer, in repose.

Nos. 112 and 113. A pair of richly carved vases, 36 inches in height. They are the work of centuries back.

Nos. 114 and 115. A pair of bronze vases of the famous Zogan style of workmanship; inlaid with gold and silver; 26 inches in height.

No. 116. *Jiariya* (*Young Thunder*).—A poor but brave and ambitious boy, expert swordsman, and ambitious to restore the shattered fortunes of his family, became chief of a band of robbers, who plundered many wealthy merchants, and in a short time in this way had accumulated much wealth. *Jiariya*, hearing of an old man that lived in a mountainous region, started out to rob him. Overtaken in a heavy storm, he took refuge in an humble house. Entering he found a very beautiful woman, who treated him with kindness. At midnight, when all was still, he unsheathed his sword, and, going noiselessly to her room, was about to strike off her head, when in a flash her body changed into a very old man, who seized the heavy steel blade and broke it in pieces as though it was a stick. *Jiariya* was amazed, but not frightened. "I am *Senso Dojin*," exclaimed the old man, "and have lived in these mountains many hundred years; but my body is a frog. I can easily put you to death, but I have another purpose." *Jiariya* was undaunted, and asked to be received as his pupil. The old man said to him: "Henceforth cease from robbing the poor. Take from the wicked rich and those who acquire money dishonestly and help the suffering." Thus speaking, the old man turned into a huge frog and hopped away. From that time forth the oppressed poor people rejoiced as the avaricious and extortionate money lenders lost their treasures, while they were protected. *Jiariya* married a beautiful woman, and after a very eventful life, and in one of his greatest battles he was successful in killing the great dragon coil. During the time he remained with the old man of the mountains he had learned how to govern the frog, which at his bidding assumed great size, so that on its back he could stand up and cross rivers. He also learned how to cause storms, control the mountain spirits, and direct the elements at will, and throughout the country was known as "Young Thunder." He was made a daimio of Idzu, and lived for many years in the bosom of his family, engaged in the reading of books, teaching his children, cultivating flowers, and beautifying his *yashiki* by the introduction of rare and beautiful plants. (Japanese Fairy World, p. 126.)

No. 117. *Senso Dojin*.—(Legend:) When *Jiariya*, or Young Thunder, in his youth became chief of a band of robbers, he started out on an expedition to rob an old man. This old man was *Senso Dojin*, who had lived in the mountains many hundred years. His true body, however, was that of a frog, but retained the form of a very old man. He determined to instruct *Jiariya* in the way of the mountain spirits—how to cause a storm of wind or rain, to make a deluge, and control the elements; also how to govern frogs, and at his bidding to assume great size. *Senso Dojin* then bade *Jiariya* depart and henceforth cease from robbing the poor, but to take from the rich, the wicked, and dishonest. Thus speaking, the old man turned into a frog and hopped away.

No. 118. Lacquered pedestal.

No. 119. Japanese god upon a horse.

No. 120. Same as 119.

No. 121. One of the seven patrons of happiness, *Toshitoku*, upon a reindeer in repose.

No. 122. A finely wrought vase, 12 inches in height.

No. 123. Japanese bull, used as a beast of burden.

No. 124. Bronze vase, square form, 12 inches in height.

Nos. 125 and 126. Pair of cloisonné vases, 25 inches in height.

uma vase, 26 inches in height. One of the finest specimens of an both as to form and decoration, to be found.

1. A pair of Satsuma vases of the sixteenth century, very unique 24 inches in height.

. A pair of Satsuma vases, 27 inches in height. The form and pair of vases are of the highest order. In Audesley and Bowes's Ceramics, plate 16, part 2, and plate 22, part 6, will be seen character of vase.

3. A pair of Old Satsuma vases, 25 inches in height, of the elem. This particular form of decoration was only in vogue during century, which indicates strictly the period of their manufacture. of a pair exactly similar to these, see plate 23, part 2, Audesley on Japanese Ceramics.

. A pair of Hizen vases, 48 inches in height. Decoration, blue glaze. These vases are of a peculiar construction, in two perfect in the other. The outer cylinder is openwork, a pattern rarely admired by connoisseurs in this art.

burner, in Satsuma faïence. Very old and rare.

æ coat of mail of the sixteenth century.

. Lacquered pedestals.

. Lacquered pedestals.

d 144. Three extra fine Old Satsuma vases.

#### PORCELAIN.

#### SATSUMA FAÏENCE.

of Satsuma faïence was commenced in the sixteenth century.

able specimens of Satsuma pottery are of very rude manufacture, colored clay, rudely modeled, and very different from those beautiful-tinted faïence of a later period, decorated with flowers, birds, a style more delicate and artistic than can be found throughout ceramic art outside the islands of Japan."

597, after the Japanese had invaded Korea, Shimadzu Yoshihisa, who accompanied that expedition, brought with him on his number of Korean potters, skilled in the fabrication of porcelain, in the neighborhood of Kagoshima, in the province of Satsuma. work, they experimented on the various materials obtainable in , and after repeated trials succeeded in producing a hard faïence in by the name of Satsuma ware.

of these Korean potters have ever since—up to the year 1871—thority and patronage of the many generations of the Satsuma nense wealth and influence were directed to the perfection of this

hisa had taken care to secure the best and most experienced work—has been continuously followed by all of his successors up to the ment of the feudal system in 1871.

l, deprived of the protection and support of the reigning princes ork has gradually fallen away, until at the present time there is l worthy the attention of the foreign collectors. (See report to , after a most careful inspection into the condition of the works cs.)

of a fine crackle, observable in the pure Satsuma, is due to the which takes place between the body and the glaze, which results ork of fine cracks. "It can be said that in the entire range of

nic art there has been no surface produced more refined or more perfectly  
ted to receive the colored decoration so famous in the Satsuma faïence.”  
e specimens of the Satsuma faïence which are sometimes met with, heavily deco-  
with religious or heraldic designs, most probably received their finish in the  
school. The pure Satsuma is, in most cases, finished in floral designs in com-  
ion with birds, with occasional medallions in geometrical figures emblematical  
ne sentiment.

e imitation Satsuma, manufactured at Awata, in Hizen, and decorated in Tokyo,  
ily detected, the pure Satsuma being somewhat roughly potted, and generally  
hard and rather grayish-white body; while the faïence of the Awata ware is  
carefully manipulated, and is of a fine, soft texture, of a warm creamy or pale-  
w tint, covered with a thinner or more minute crackle glaze than that applied  
e pure Satsuma. It is also more profusely decorated, and heavily ornamented  
storks, tortoises, dragons, and birds of various kinds in heavy imitation of gold,  
enameled in gaudy tints. Samples of this class of work are illustrated in plates  
9, 40, and 42 of Audesley and Bowes's *Keramic Art of Japan*, and are very fine  
mens, although not Satsuma.

e pure Satsuma is of a very light tint, ranging between grayish-white and vel-  
or light cream color; the imitations are mostly in a buff color or light yellow.  
very early period a black ground was resorted to, but not long followed. A  
specimens of this are now in existence.

#### ARITA.

e ware known as Arita, Imari, Nagasaki, etc., are all manufactured in the  
nce of Hizen, and mostly exported from Nagasaki, but little or none is manu-  
red in that town. The great Hizen vases, such as were exhibited at the expo-  
at Vienna and at Paris (specimens may be seen in the vestibule at the Corcoran  
Gallery), are made at Arita, in the Province of Hizen, and are known as Hizen  
manufacture. Their great fault is too much crowding in the decoration and great  
of taste. This style still clings to this class of ceramic art.

the fine specimens of blue under a glaze, so much admired by connoisseurs in  
ure Hizen manufacture, there are two in vases in this collection—Nos. 130, 131.

#### *Symbolical combinations.*

(See “The Mikado's Empire,” p. 581.)

e combination of trees, flowers, and birds on the Japanese porcelains, screens,  
are symbolical of some sentiment—as, for instance, the pine tree and the stork,  
ems of longevity. They are seen embroidered on silk robes, and presented to  
y born infants.

e willow and the swallow, the bamboo and the sparrow are indications of  
eness, and are often seen on screens and fans.

e young moon and the cuckoo, the bird as seen flying across the crescent, has a  
e reference to a renowned archer, who shot a hideous beast having the head of  
nkey and the claws of a tiger.

e Phoenix bird (Ho-wo or Ho-ho), with the Paulownia *Imperialis*, as seen  
sidered on the Mikado's robes, rugs, curtains, gilded screens, etc., is an emblem  
titude. The leaves of this tree form the imperial crest.

e red maple leaves and the stag are often painted upon their screens with great  
. It signifies change—as, for instance, in the fall of the year the leaf changes to  
utiful crimson, sometimes to a brilliant maroon, and when used upon their  
ns and presented to another party may indicate a change of feeling or sentiment.  
er to send his once loved a sprig of this autumn maple is equivalent to giving  
ne mitten.

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cherry blossom and pheasant are often combined in poetry and art decoration. The beautiful feathered bird and the bloom of the Sakura tree, which is valued solely for its blossoms, the national flower of that beautiful land. The blossoms are often as large as a rose, and the falling bloom whitens the ground.

#### FLOWERS, ETC.

Plum (Mume) tree, joined with the nightingale, is the poet's combination, always admired. This beautiful flowering tree is not infrequently seen in full bloom and not a leaf visible. It bursts into clouds of fragrance and beauty in spring; sometimes it may be seen in full bloom with the ground, in early morning, covered with snow.

Combination of bamboo and the sparrow or the willow with the sparrow are signs of happiness.

Plum tree in Japan blooms in February, the cherry tree in April, the lotus in June, and the chrysanthemums in August and long into winter.

#### THE JISHIN UWO, OR EARTHQUAKE.

The great fish, upon whose back is supposed to rest the main portion of the Japanese Empire, is the largest of all their mythical creation. The head of the dragon is believed, is under the most northern portion of the main island, and its mouth is somewhat near Tokio and Kioto, the two parts where the greatest effects of earthquake is felt. A gentle quaver of the earth is produced when he simply moves his spine. A severe shock indicates that the brute is on a rampage, like a mad whale. When the great sea dragon thrashes the ocean bottom in his wrath, the ground trembles and rocks and houses tumble and destruction follows. When he arches his back in his wrath, the ocean rolls, and the awful tidal wave sweeps the land and cities and towns are swept away in interminable ruin.

One feels the gentle quaver when he breathes; frequently, Mr. Griffis says, about once a month on an average. I have felt them twice in a day, and one hundred times in one moon. The last great upheaval occurred in 1856, when it is estimated that 50,000 people perished in Tokio alone. Serious shocks, however, have not occurred since and are frequent.

Bill (S. 1772) was reported to the Senate without amendment and

*1886—House.*

referred to Committee on the Library.

*8, 1887—House.*

O. R. SINGLETON, from the Committee on the Library, submitted a report (H. 4000) on bill (S. 1772), with a recommendation that

the committee reported also a letter from Prof. Spencer F. Baird, in which he had charge of said collection in the National Museum.

SMITHSONIAN INSTITUTION,  
Washington, D. C., January 14, 1887.

SIR: Mrs. Capron informs me that you wish for some expression of my opinion respecting the importance and value of the Capron collection of Japanese objects now on deposit in the Smithsonian Institution.

In response thereto I beg to say that the collection embraces a very valuable series of objects, illustrating the arts and industries of Japan, and of the finest quality of workmanship, many of them such as were held only by the Emperor.

We should consider the acquisition of the collection of great importance, and its removal from our cases would make a noticeable gap in the Japanese series.

The price at which the collection is offered is a reasonable one, as the articles, if sold separately, would probably bring a considerably larger amount.

Very respectfully,

SPENCER F. BAIRD.

Hon. O. R. SINGLETON,

*Chairman of House Committee on the Library, Washington, D. C.*

Committed to Committee of the Whole.

#### ETHNOLOGY—BULLETINS.

*February 15, 1886—Senate.*

Mr. H. M. TELLER introduced a joint resolution (S. 41):

That there be printed at the Government Printing Office 10,000 copies of any matter furnished by the Bureau of Ethnology relating to researches and discoveries connected with the study of the North American Indians, the same to be issued in parts and the whole to form an annual volume of bulletins; 4,000 copies of which shall be for the use of the House of Representatives, 1,500 copies for the use of the Senate, and 4,500 copies for the use of the Bureau of Ethnology.

Referred to Committee on Printing.

*February 15, 1886—House.*

Mr. JAMES W. REID introduced a resolution (H. 120):

*Resolved, etc.,* That there be printed at the Government Printing Office 10,000 copies of any matter furnished by the Bureau of Ethnology relating to researches and discoveries connected with the study of the North American Indians, the same to be issued in parts, and the whole to form an annual volume of bulletins; 4,000 copies of which shall be for the use of the House of Representatives, 1,500 copies for the use of the Senate, and 4,500 copies for the use of the Bureau of Ethnology.

Referred to Committee on Printing.

*March 25, 1886—House.*

Mr. JAMES W. REID, from the Committee on Printing, submitted report (H. 1330) on H. 120, recommending its adoption:

The Committee on Printing, to whom was referred the joint resolution (H. 120) to print the annual bulletins of the Bureau of Ethnology, have duly considered the same, and recommend its adoption.

This printing will be in addition to the 15,000 copies of the annual report of the Bureau of Ethnology, and will be different in matter.

It will be a report, in detail, of the operations and researches of the Bureau, to be published in parts as bulletins as the said operations and researches transpire. There will be from three to six parts per annum, costing about \$500 for each edition, or from \$2,500 to \$3,000 per annum, the whole to form an annual volume of bulletins.

Committed to Committee of the Whole.

*June 14, 1886—House.*

Mr. JAMES W. REID introduced a resolution (H. 184) to print annual bulletins of the Bureau of Ethnology.

Referred to Committee on Printing.

36—House.

MES W. REID. I ask now to call up the joint resolution (H. rint the annual bulletins of the Bureau of Ethnology.

nt resolution was read.

ID, of North Carolina. I ask for the reading of the report. port (by Mr. Reid, of North Carolina) was then read.

ouse proceedings of March 25, 1886).

J. RANDALL. Mr. Speaker, I would like to inquire of the n from North Carolina, who is on the Printing Committee, r this report is for, and how far the printing already ordered tion with ethnology has been advanced? In other words, we now need to authorize this printing in advance of the yet completed.

ID, of North Carolina. In response to the gentleman from ania I will say that as I understand it this is for the current has been issued in pamphlets, and the cost, as I have esti- and as the estimate was furnished by the Chief of the Bureau ogy, Major Powell, is about \$2,500 to \$3,000 a year. As he ne material he proposes to issue it as a bulletin. We went ce and made an estimate. He exhibited to the Committee on specimens of one of the bulletins and the way he proposes to om month to month. It will cost from \$2,500 to \$3,000 per

NDALL. For which year?

ID, of North Carolina. For the present current year.

NDALL. How far back has the ethnological report been

ID, of North Carolina. I do not know.

NDALL. If I recollect aright, not later than 1884.

NSOM W. DUNHAM. Not later than 1883.

NDALL. I do not think we ought to authorize the printing of or 1885 until we know how far advanced and what is the the printing of the report for 1883.

one of the abuses, as I think, in connection with the scientific f the Government. It will be remembered that in the sun- bill we have endeavored to restrict this matter. While we n every dollar that is essential to the Bureau, we ought to he printing, which has come, as the commission showed, to se.

ID, of North Carolina. I will withdraw the consideration of resolution for the present.

NDALL. This is for the data not yet collected. We are pro- : the printing of matter that has not yet come from the hands eople who are being sent to the field to gather it.

peaker pro tempore (Mr. ALEXANDER M. DOCKERY). The n from North Carolina withdraws the joint resolution.

Mr. DUNHAM. Can that be done without unanimous consent?

Mr. NELSON DINGLEY, Jr. Let me say that the report of the Bureau for 1884 is now being printed.

Mr. RANDALL. And this is to authorize the printing for two or three years in advance.

Mr. DINGLEY. Not the annual report.

Mr. RANDALL. This is for printing bulletins which are the advanced copies of the matter contained in the reports. I hope the Committee on Printing will not suppose for a moment that I wish to interfere with their getting their business through.

The SPEAKER pro tempore. The Chair understands the gentleman from North Carolina proposes to withdraw the joint resolution?

Mr. REID, of North Carolina. Yes, sir.

Mr. DUNHAM. Is it the understanding that every bill objected to by any one member, although the rest of the House might wish it passed, is to be withdrawn?

Mr. RANDALL. The gentleman from North Carolina does not lay this aside on my objection, but on an objection which might attract the attention of the House and be confirmed by the House. Here is a proposition to print or authorize the printing of a report away in advance of the collection of the facts.

Mr. REID, of North Carolina. If the gentleman will allow me, I will say that I propose to withdraw the joint resolution because I thought he would make the point of no quorum on it.

Mr. RANDALL. I will not do that.

Mr. REID, of North Carolina. Then I will not withdraw it. I do not wish to postpone the consideration of it; but I do not wish, by pressing it, to defeat the object for which we are assembled this night, as there are other measures to be considered to which I think there will be no objection.

I wish to make this statement: There will be from three to six parts of this bulletin issued each year. It will be in addition to the 15,000 copies of the annual report of the Bureau of Ethnology, and will be entirely different in matter. It is a report of the operations and researches of the Bureau, and will be more in detail than the annual report. The bulletin will consist of the reports from the members connected with this department sent out in different parts of the country to collect ethnological matter, and will be issued as that is gathered.

Mr. RANDALL. I understand that. The joint commission in connection with the subject of the scientific bureaus reported a recommendation that the printing be abridged. I want to show the gentleman what has been the cost of printing these reports. There is work charged for 1881 in connection with the Bureau of Ethnology amounting to \$9,955.14. For 1882 the work charged amounts to \$55,137.12. For 1883 the work charged amounted to \$9,123.27. In 1884 the work

d amounts to \$41,152.66. In 1885 the work charged amounted \$10.44. The whole aggregated \$119,478.63 charged, but not completed. And yet we are asked to go on and make further appropriations and authorize further printing in this connection, when the work is not yet completed for 1881, 1882, 1883, 1884, and 1885.

I do not think these facts could have been in the possession of the Committee on Printing, or that the recommendation of the commission to examine into the expenditures of this Department could have been fully examined. They recommend not to proceed further with printing until there is a completion of the prior work.

Now, what are these bulletins? They are scraps that are submitted to make part of the report. Now, it is asked that these scraps be printed as they come in. If they are printed as scraps they are not to be reprinted in the regular report, and if they are printed in the regular report they ought not to be printed as scraps. I think they would be of more service to science if they were brought together, and not printed separately in this disjointed way.

REID, of North Carolina. Mr. Speaker, I have just this to say: The report was made on March 25, 1886, when the joint commission reported to by the gentleman from Pennsylvania had not yet made report, and the Committee on Printing was in possession of none of the facts reported by that commission as the result of their inquiries concerning the printing done for the Geological and Ethnological Surveys. I will state, however, that this printing is in addition to the regular annual bulletin issued by the Bureau. As the persons who are sent out by the Bureau to make researches make their reports it is desired to issue these reports in pamphlet form, thus giving the scientific world the benefit of those researches as they are made.

DUNHAM. Something like the Patent Office Gazette?

REID, of North Carolina. Something in that order. These are not intended to be published in the annual reports at all. We went into the matter very carefully with the chief of the Bureau, and, according to the best estimate we could make, they will be printed in three to six parts annually, and the cost will be from \$2,500 to \$3,000 per annum. That would be in addition to the regular annual bulletin printed by the Bureau.

E. BARKSDALE. Mr. Speaker, I call the previous question on bringing the joint resolution to be engrossed and read the third time.

RANDALL. Mr. Speaker—

BARKSDALE. I withdraw the demand for the previous question. I do not know that the gentleman from Pennsylvania desired to speak on this subject.

RANDALL. Mr. Speaker, I am glad to hear the gentleman from North Carolina [Mr. Reid] say that when this report was made the Committee on Printing were not in possession of the recommendations

of the joint commission in relation to the scientific bureaus of the Government.

Mr. REID, of North Carolina. The gentleman from Pennsylvania [Mr. Randall] will remember that it has been only a few weeks since that commission reported.

Mr. RANDALL. I know that, and I desire to say now that in anything I have said on this subject it has not been my wish, purpose, or intention to reflect in even the slightest degree upon the recommendations of the Committee on Printing. On the contrary, without making an invidious distinction, I might say that the present Committee on Printing of this House has been perhaps more assiduous in its efforts to save money than any of its predecessors. At the same time, I think the committee ought to stop right here and not ask us to appropriate for the printing of these bulletins, in view of the state of facts I have presented.

Mr. REID, of North Carolina. I will add, Mr. Speaker, that if we send out these employees to make these researches and to report upon them, I think the scientific world ought to have the benefit of their reports. As I have already said, these bulletins are not to be published in the annual report, and therefore the only way in which the scientific world can get the benefit of them is by printing them in the form here proposed.

Mr. RANDALL. If they are printed in this form they ought not to be subsequently republished at great additional cost in the annual report. Can the gentleman inform us when these bulletins will reach the public?

Mr. REID, of North Carolina. Just as soon as the order is made to print them.

Mr. RANDALL. I think not.

Mr. REID, of North Carolina. That is my information from the Bureau.

Mr. DARWIN W. JAMES. Will the gentleman from North Carolina please tell us how much money the bill carries for this purpose?

Mr. REID, of North Carolina. Twenty-five hundred or three thousand dollars; the highest limit will be \$3,000 per annum.

Mr. RANDALL. Each of these bulletins cost about \$2,500 or \$3,000, but when you aggregate the cost it comes to a great deal more.

Mr. REID, of North Carolina. No; that is the aggregate cost per annum. Mr. Speaker, I now call the previous question.

Mr. DINGLEY. Before the gentleman does that, I wish to make an inquiry with reference to the issuance of the reports of the Bureau of Ethnology. I think the report that is now being distributed is the one for 1882-83; that is, three years behind the present date, and the inquiry I wish to make is (if the Committee on Printing have investigated the matter) why it is that these reports are so much delayed.

Mr. RANDALL. I can answer the question. It is because the men

engaged in the field service for any particular year do not in full in time to make their work a part of the report for that year. We are now two or three years in advance in the authorization of the reports of the Bureau of Ethnology.

REID, of North Carolina. The gentleman speaks of the annual

RANDALL. No; the annual report. The report on the mineral resources of the United States is a different matter.

previous question was ordered.

Joint resolution was ordered to be engrossed and read a third time. Yeas 26, nays 13.

RANDALL. I do not call for a quorum, Mr. Speaker. I am satisfied with the statements that have been made.

Joint resolution (H. 120) passed—ayes 22, nays 14.

886—Senate.

Referred to Committee on Printing.

886—Senate.

CHARLES F. MANDERSON. I am instructed by the Committee on Printing, to whom was referred the joint resolution (H. 120) to print annual bulletins of the Bureau of Ethnology, to report it favorably with amendments. I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, agreed to consider the joint resolution.

First amendment of the Committee on Printing was, in line 6, to insert the word "Indians," to insert:

That the authorization shall apply only to matter now on hand or collected during the fiscal year ending June 30, 1887.

to read:

There be printed at the Government Printing Office 10,000 copies of any matter authorized by the Bureau of Ethnology relating to researches and discoveries in connection with the study of the North American Indians: *Provided*, That the authorization shall apply only to matter now on hand or collected during the fiscal year ending June 30, 1887; the same to be issued in parts and the whole to form one volume of bulletins, 4,000 copies of which shall be for the use of the Representatives, 1,500 copies for the use of the Senate, and 4,500 copies for the use of the Bureau of Ethnology.

Amendment was agreed to.

Next amendment was to add as a new section the following:

The sum of \$3,000, or so much thereof as may be necessary, for the printing of the aforesaid annual bulletins, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Amendment was agreed to.

Joint resolution was reported to the Senate as amended, and amendments were concurred in.

Amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

Mr. MANDERSON. I move that the Senate insist on its amendments and ask a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent the President pro tempore was authorized to appoint the conferees on the part of the Senate.

The President pro tempore (Mr. JOHN SHERMAN). The Chair appoints the members of the Committee on Printing as the conferees on the part of the Senate on the various House resolutions about printing which have been passed to-day with amendments.

August 5, 1886—House.

Passed as amended.

August 5, 1886.

Joint resolution.

*Resolved, etc.*, That there be printed at the Government Printing Office, 10,000 copies of any matter furnished by the Bureau of Ethnology relating to researches and discoveries connected with the study of the North American Indians: *Provided*, That the authorization shall apply only to matter now on hand or collected during the fiscal year ending June 30, 1887; the same to be issued in parts and the whole to form an annual volume of bulletins; 4,000 copies of which shall be for the use of the House of Representatives, 1,500 copies for the use of the Senate, and 4,500 copies for the use of the Bureau of Ethnology.

SEC. 2. The sum of \$3,000 or so much thereof as may be necessary for the printing and binding of the aforesaid annual bulletins is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

(Stat., XXIV, 349.)

February 17, 1887—Senate.

Mr. T. M. BOWEN submitted a concurrent resolution:

*Resolved, etc.*, That there be printed at the Government Printing Office 6,000 copies of any matter furnished by the Bureau of Ethnology relating to researches and discoveries connected with the study of the North American Indians: *Provided*, That the authorization shall apply only to matter now on hand or collected during the fiscal year ending June 30, 1888; the same to be issued in parts and the whole to form an annual volume of bulletins, 2,500 copies of which shall be for the use of the House of Representatives, 1,000 copies for the use of the Senate, and 500 copies for the use of the Bureau of Ethnology.

SEC. 2. The sum of \$3,000, or so much thereof as may be necessary, for the printing and binding of the aforesaid annual bulletins, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Referred to Committee on Printing.

February 23, 1887—House.

Mr. J. T. WAIT offered a concurrent resolution, the same as submitted by Mr. T. M. Bowen in Senate, February 17, 1887.

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## GRANT RELICS.

9, 1886—*Senate.*

JUSTIN S. MORRILL introduced a joint resolution (S. 46):

That William H. Vanderbilt and Julia Dent Grant, by deed of trust executed on the 1st day of January, 1885, presented to the United States certain swords, paintings, bronzes, portraits, commissions and addresses, and objects of art presented by various Governments in the world to Gen. Ulysses S. Grant, as tokens of their high appreciation of his illustrious character as a soldier and statesman: Therefore,

*etc.*, That the United States accept, with grateful acknowledgments, the property and articles, more fully described in the schedule attached to said deed, to be held by the United States and preserved and protected in the city of Washington for the use and inspection of the people of the United States.

That the said property and articles be placed under the custody of the Secretary of the National Museum; and he is hereby directed to receive the same for deposit therein.

Resolved, That the Committee on the Library.

was also referred to this committee a letter, presented by Mr. Morrill:

*February 10, 1886.*

There is at present in the custody of the Secretary of War a collection of articles which belonged to General Grant and have become the property of the United States. I would respectfully suggest the desirability of taking steps to secure the deposit of these objects to the Smithsonian Institution for exhibition in the National Museum. It seems hardly necessary for me to call your attention to the provisions of the act to establish the Smithsonian Institution (Rev. Stat., Title LXXIII, sections 79-5594) it is provided "that all objects of art and curious and foreign \* \* \* belonging or hereafter to belong to the United States which may be deposited in the city of Washington shall be delivered to the Regents of the Smithsonian Institution, together with new specimens obtained by exchange, donation, and otherwise \* \* \* shall be so arranged and classified as best to facilitate their examination and study" (Rev. Stat., section 5586), and by subsequent enactment of the forty-fifth Congress, third session, chap. 182, p. 394) the National Museum was designated the place of deposit.

It has therefore in the past been always construed to mean that the National Museum is the proper place for the exhibition of articles given by foreign Governments to the President or to other officials. In 1883 the Secretary of the Interior transferred the entire collection of Washington relics, which had for many years been deposited in the Patent Office, together with the Lewis collection of Washington relics, which had been bought by Congress, to be transferred to the Museum. President Grant and President Cleveland have also sent to the Museum objects presented to the United States by foreign Governments, and the Toledo sword, presented by the Republic of Argentina to General Grant, was by him placed with the objects which have since been deposited in the Patent Office. Among the other Presidential gifts I may mention those given to Presidents Jefferson, Jackson, Van Buren, and Taylor. I may also mention the extensive Japanese collection given by the Government of Japan to the United States, through its representative, Commodore Perry, and numerous presents of civil, military, and naval officers of the United States.

The hall of the National Museum has been assigned to the collection of his-

torical relics, and it will be possible to install the Grant relics in a very attractive manner in connection with objects of a similar character.

I am, sir, yours, very respectfully,

G. BROWN GOODE,  
*Assistant Director.*

Prof. SPENCER F. BAIRD,

*Secretary Smithsonian Institution and Director U. S. National Museum.*

*March 4, 1886—Senate.*

Mr. WILLIAM J. SEWELL. I am instructed by the Committee on the Library, to whom was referred the joint resolution (S. 46), accepting from William H. Vanderbilt and Julia Dent Grant objects of value and art presented by various foreign Governments to the late Gen. Ulysses S. Grant, to report it without amendment. I ask unanimous consent for its present consideration.

The President pro tempore (Mr. JOHN SHERMAN). The joint resolution will be read for information.

Mr. GEORGE F. EDMUNDS. I do not object at all, but am very confident (probably it did not pass the House) that at a former session the Senate passed a similar resolution.

Mr. SEWELL. It was passed by the Senate last year, but did not pass the House.

Mr. EDMUNDS. The Senate had gladly taken the collection. Is this the same sort of resolution?

Mr. SEWELL. It is changed a little so as to place the objects in the custody of the Director of the National Museum.

Mr. EDMUNDS. I have no objection to it.

The PRESIDENT pro tempore. The joint resolution will be read, subject to objection.

The Chief Clerk read the preamble and joint resolution.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

The PRESIDENT pro tempore. The question is, Shall the joint resolution pass?

Mr. EDMUNDS. We ought to take notice of the fact in regard to the form of the resolution that William H. Vanderbilt since that gift was made so generously has died. Whether there would be any difficulty in that form of stating it I do not know.

Mr. SEWELL. I should think not, because the communication was from William H. Vanderbilt. There will be no difficulty about accepting the articles.

The joint resolution was passed.

The preamble was agreed to.

*April 15, 1886—House.*

Mr. OTHO R. SINGLETON reported S. 46. Referred to Calendar.

386—*House.*

386.

Joint resolution.

as Julia Dent Grant and William H. Vanderbilt, by deed of cuted on the 10th day of January, 1885, presented to the states certain swords, medals, paintings, bronzes, portraits, ons, and addresses, and objects of value and art presented by governments in the world to Gen. Ulysses S. Grant as tokens igh appreeiation of his illustrious character as a soldier and an: Therefore,

ed, etc., That the United States accept, with grateful acknowl-, the said property and articles, more fully described in the attached to said deed of trust, to be held by the United States erved and protected in the city of Washington for the use and n of the people of the United States.

That the said property and articles be placed under the cus- the Director of the National Museum; and he is hereby to receive the same for safe-keeping therein.

XXIV, 348.)

#### NATIONAL MUSEUM—GOVERNMENT COLLECTIONS.

86.

*March 2, 1886.*

F. BAIRD,

*etary Smithsonian Institution.*

SIR: I respectfully present the following statements, in reply tter of the chief clerk of the Department of the Interior, of r 26, in relation to the National Museum and Government is, etc.:

ss by act of May 14, 1836 (Stat. V, 29) appropriated \$150,000 rveying and exploring expedition to the Pacific Ocean and s. This is known as the Wilkes Exploring Expedition.

5, 1840, the National Institution was organized with Hon. nsett, Secretary of War, and Hon. James K. Paulding, Sec- the Navy, as directors.

of March 3, 1844, \$5,000 were appropriated to defray tne of transporting to Washington and arranging and preserv- ollections made by the exploring expedition. (Stat. V, 420.) ection of the Secretary of the Navy, these collections were n the care of the National Institution, March 15, 1841, and l in the Patent Office, April, 1841.

e, 1841, the collection of Indian portraits and curiosities of Department was deposited in the cabinet of the National on by the Secretary of War.

In July, 1841, the minerals, books, manuscripts, and other articles forming part of the Smithsonian bequest were deposited by the Secretary of the Treasury.

On the 9th of August, 1841, Hon. Daniel Webster, Secretary of State, transferred, with the approval of Mr. Ellsworth, the Commissioner of Patents, the exploring expedition collections from basement rooms in the building to the upper rooms, or "Splendid Hall," in the second story of the Patent Office.

On the 27th of July, 1842 (Stat., VI, 845), the National Institute was incorporated by Congress as the successor of the National Institution. Its charter expired by limitation in twenty years, with an extension of three years to wind up its affairs. This act provided that all the property of said corporation at the time of the expiration or dissolution of its charter should belong to and devolve upon the United States.

By act of August 4, 1842 (Stat., V, 501), \$20,000 was appropriated for the transportation, arrangement, and preservation of these collections.

The Government collections of natural history, etc., were placed in the upper room of the Patent Office, under the care of such persons as may be appointed by the Joint Committee on the Library, by act of August 26, 1842 (Stat., V, 584).

The act of Congress of August 10, 1846 (Stat., IX, 102), organizing the Smithsonian Institution, provided—

SEC. 6. *And be it further enacted*, That, in proportion as suitable arrangements can be made for their reception, all objects of art and of foreign and curious research, and all objects of natural history, plants, and geological and mineralogical specimens, belonging, or hereafter to belong, to the United States, which may be in the city of Washington, in whosoever custody the same may be, shall be delivered to such persons as may be authorized by the Board of Regents to receive them, and shall be arranged in such order, and so classed, as [to] best facilitate the examination and study of them, in the building so as aforesaid to be erected for the Institution; and the Regents of said Institution shall afterwards, as new specimens in natural history, geology, or mineralogy, may be obtained for the museum of the Institution, by exchanges of duplicate specimens belonging to the Institution, (which they are hereby authorized to make,) or by donation, which they may receive, or otherwise, cause such new specimens to be also appropriately classed and arranged. And the minerals, books, manuscripts, and other property, of James Smithson, which have been received by the Government of the United States, and are now placed in the Department of State, shall be removed to said Institution, and shall be preserved separate and apart from other property of the Institution.

The Regents were authorized to locate the building for the Smithsonian Institution so as "to form a wing to the Patent Office building, and may so connect the same with the present hall of said Patent Office building containing the national cabinet of curiosities as to constitute the said hall, in whole or in part, the deposit for the cabinet of said Institution, if they deem it expedient to do so" (sec. 5).

directly by the disbursing agent of the Department of the Interior. Report of Exec. Com. of Regents, Journal, p. 569.) The National Museum is mentioned in the acts of Congress of March 3, 1875, July 31, 1876, and subsequently, and a building has been erected at the expense of the Government expressly for its accommodation.

When the Government collections were transferred from the Patent Office to the Smithsonian Institution, the same officials and employees were retained, the curator, John Varden, continuing on the pay roll until his death, in 1865, and another—a laborer—still being in the service of the Museum.

Other officers have from time to time been appointed under the tenth section of the act organizing the Smithsonian Institution, which directs that the "Secretary of the Smithsonian Institution shall discharge the duties of keeper of the Museum and may, with the consent of the Board of Regents, employ assistants."

The vouchers and pay rolls are examined and approved quarterly by the executive committee of the Board of Regents and are paid by the disbursing clerk of the Department of the Interior, as sent to him by the Secretary of the Smithsonian Institution, with his indorsement as to correctness, etc.

Respectfully submitted.

WM. J. RHEES,  
*Chief Clerk Smithsonian Institution.*

Prof. S. F. BAIRD,  
*Secretary Smithsonian Institution.*

#### NATIONAL MUSEUM—SUNDAY OPENING.

12, 1886—House.

Mr. ZACHARY TAYLOR (by request) introduced a joint resolution (158):

That the officers of the United States in charge of the national museums and institutions of the United States shall be required to keep said public buildings open on Sundays for as many hours as on week days; and that the heads of the Departments having control of said buildings may employ additional employees for that purpose. Referred to Committee on Public Buildings and Grounds.

#### NATIONAL MUSEUM—SECTION OF TRANSPORTATION.

24, 1886—House.

Mr. WILLIAM G. STAHLNECKER presented the petition of Charles H. Hoff, vice-president of the Alabama Great Southern Railroad, and many others, for an appropriation to carry out the plans recently adopted for the organization of the section of steam transportation in the United States National Museum.

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## CONGRESSIONAL PROCEEDINGS.

Wilbur, president; Charles Hartshorne, vice-president; J. R. Fanshawe, secretary. Louisville and Nashville Railway: A. M. Quarrier, second vice-president. Louisville, New Orleans and Texas Railway: W. N. Marshall, master of transportation. Maryland Steamboat Company: H. B. Ensign, president. Mexican National Railway: C. A. Merriam, general superintendent. Minnesota and Northwestern Railroad: J. C. Fernstorm, chief engineer. Missouri Pacific Railway: H. M. Hoxie, vice-president. New Orleans Pacific Railway: E. B. Wheelock, president. New York Central and Hudson River Railroad: Chauncey M. Depew, president; Horace J. Hayden, vice-president; J. M. Tancey, general superintendent. New York, Ontario and Western Railway: Thomas P. Fowler, president; J. E. Childs, general manager. New York, Philadelphia and Norfolk Railroad: William A. Patton, vice-president. Norfolk and Western Railroad: F. J. Kimball, president. Northern Pacific Railway: T. F. Oakes, vice-president and general manager. North Pennsylvania Railroad: F. A. Comly, president. Ohio and Mississippi Railroad: W. W. Peabody, president. Old Colony Railroad: Charles F. Schoate, president; C. L. Lovering, R. W. Turner, C. N. Bliss, John J. Russell, G. A. Gardiner, John S. Braghn, Thomas Dunn, Thomas J. Borden, directors. Oregon and California Railroad: R. Woelden, receiver and general manager; J. Brandt, general superintendent; C. H. Andrew, second vice-president. Pacific Coast Railway: J. M. Fillmore, manager. Pennsylvania Company: T. D. Messler, vice-president and comptroller. Pennsylvania Railroad: G. B. Roberts, president; Frank Thomson, second vice-president; J. N. Du Barry, third vice-president; John P. Green, fourth vice-president; John C. Sims, jr., secretary; John D. Taylor, treasurer; Charles E. Pugh, general manager; T. N. Ely, general superintendent motive power; Alexander M. Fox, Henry D. Welsh, H. H. Houston, John P. Wetherill, N. Parker Shortridge, Wistar Morris, directors; J. T. Richards, assistant chief engineer; R. R. Pettit, general superintendent; F. Wolcott Jackson, general superintendent; S. M. Prevost, general superintendent transportation; J. R. Wood, general passenger agent; G. W. Boyd, assistant general passenger agent; R. W. Downing, comptroller; M. W. Thomson, engineer, maintenance of way; E. F. Brooks, engineer, maintenance of way. Philadelphia and Reading Railroad: H. K. Nichols, chief engineer; J. Lowrie Bell, general traffic manager. Philadelphia, Wilmington and Baltimore Railroad: Isaac Hinckley, president. Providence and Worcester Railroad: James Callery, president. Richmond and Allegheny Railroad: Decatur Axtell, receiver and manager. Richmond and Danville Railroad: F. W. Huidekoper, vice-president. Richmond, Fredericksburg and Potomac Railroad: Joseph P. Brinton, president; E. T. D. Myers, general superintendent; J. H. Winston, treasurer. Rome, Watertown and Ogdensburg Railroad: H. W. Britton, general manager. St. Louis, Alton and Terre Haute Railroad: W. Bayard Cutting, president; G. W. Parker, vice-president and general manager. St. Louis and San Francisco Railway: D. W. Nichols, general superintendent; James Dunn, chief engineer. Shenango and Allegheny Railroad: J. T. Blair, president. Southern Pacific Railroad: A. C. Hutchinson, general manager; A. N. Towne, general manager. Southern Florida Railroad: J. E. Ingraham, president. Steam Packet Company, Seaboard and Roanoke Railroad, Raleigh and Gaston Rail-

*May 26, 1886—House.*

Mr. H. LIBBEY presented a petition of parties prominent in railroad circles, asking an appropriation for the organization of the section of steam transportation in the United States National Museum.

Referred to Committee on Appropriations.

#### NATIONAL MUSEUM ESTIMATES.

*December 7, 1885—House.*

Estimates for 1887.

For the erection of a fire-proof building for storing the alcoholic collections of the National Museum, \$15,000.

NOTE.—The safety of the interior of the National Museum and the Smithsonian building is endangered by the large number of alcoholic specimens kept therein, and it is considered by public museums, both at home and abroad, very important to have a separate building for their reception and preservation. There are at present no suitable accommodations for these collections.

For the preservation, exhibition, and increase of the collections received from the surveying and exploring expeditions of the Government, and from other sources, including salaries or compensation of all necessary employees, \$125,000.

For expense of heating, lighting, electrical and telephonic service for the National Museum, \$15,000.

For cases, furniture, and fixtures required for the exhibition and safe-keeping of the collections of the National Museum, including salaries or compensation of all necessary employees, \$40,000.

For asphalt pavement on the west side of the National Museum and between the Museum and the Smithsonian Institution, \$2,500.

To refund the duty paid by Semon Bache & Co., of New York, upon glass, from imported stock, furnished to the National Museum and the New Orleans, Louisville, and Cincinnati expositions for exhibition cases, \$3,562.56.

*February 9, 1886—House.*

Deficiency estimates for 1886, etc.

To meet expenses of receiving, packing, transporting to the National Museum in Washington, and of installing or storing such new specimens and collections as may be presented to the United States at the North, Central, and South American Exposition held in New Orleans, La., in 1885–86, to be available for the fiscal year 1886–87, and to complete the installation of the collections received in 1885 from the World's Industrial and Cotton Centennial Exposition, \$2,500.

SMITHSONIAN INSTITUTION,  
Washington, D. C., January 16, 1886.

SIR: I respectfully ask that the inclosed estimate for an immediate deficiency appropriation be presented to the Committee on Appropriations of the House of Representatives.

CONGRESSIONAL PROCEEDINGS.

ervation of collections, National Museum, 1886.—For heating and lighting the al Museum.—For expense of heating, lighting, and telephone and electrical , \$500, being a deficiency for the fiscal year ending June 30, 1886.

2, 1886—House.

from the Acting Secretary of the Treasury, transmitting an estimate from the Director of the National Museum.

SMITHSONIAN INSTITUTION,  
Washington, D. C., June 21, 1886.

I beg to inclose herewith, for transmission to the Committee on Appropriations of the House of Representatives, an item for the completion of the heating and telephonic service of the U. S. National Museum for the fiscal year 1886, representing excess of liabilities over the appropriation made for this purpose.

Very respectfully, your obedient servant,

SPENCER F. BAIRD,

Secretary Smithsonian Institution and Director U. S. National Museum.

C. S. FAIRCHILD,

Acting Secretary of Treasury.

expense of heating, lighting, and telephonic and electrical service, \$631.67, a deficiency for the fiscal year ending June 30, 1886.

referred to Committee on Appropriations.

4, 1886.

In the estimate of deficiencies required for the fiscal year 1886 and preceding is an item of \$2,500 to meet expenses of receiving, packing, and transporting at the National Museum certain specimens from New Orleans. As the occasion for expenditure has passed, I would respectfully ask the withdrawal from the bill of cancellation of that item.

Respectfully,

SPENCER F. BAIRD,  
Secretary Smithsonian Institution.

JAMES N. BURNES,

Chairman Subcommittee on Appropriations, House of Representatives.

1886.

DEAR SENATOR: I beg to call your attention to the inclosed item which failed to receive attention at the hands of the House Committee on Appropriations because of delay in reaching that body, it being impossible for us to get the necessary information until recently.

I would add that the items entering into this deficiency item are:

of telephones.....	\$380. 00
quarter ending June 30, 1886 (estimated) .....	225. 57
c supplies .....	15. 60
.....	10. 50
Total .....	631. 67

requesting that you will kindly have the item put upon the deficiency bill now before your committee.

I have the honor to be, very truly, yours,

SPENCER F. BAIRD, Secretary.

W. B. ALLISON,

Chairman Committee on Appropriations, U. S. Senate.

the increase of the appropriation for international exchanges is asked on the ground that the actual excess of cost over the \$10,000 appropriated for the fiscal year was \$2,000, and the increase is so rapid that without doubt by the beginning of fiscal year 1888 there will be an addition of certainly 50 per cent. It should be in mind that this appropriation is made primarily for carrying out the law of Congress, which directs the exchange of 50 sets of publications of the United States Government with foreign governments returning an equivalent; and also includes the exchange of the publications of all the technical and scientific institutions of the United States with those of foreign countries. This involves the transmission and reception of about 1,500 boxes annually, the expense of transportation between Washington and all parts of the world, the salaries of agents, the expense of boxing, etc., and the service necessary to carry on the work.

The Smithsonian Institution has for several years made good any deficit in this appropriation, but it seems hardly right that it should be taxed for this Government, especially in view of the fact that it makes from its own fund an annual expenditure of about \$10,000 for printing books which are sent abroad in exchange, the profits for which are deposited in the Library of Congress and constitute a very important feature of that establishment.

\* \* \* \* \*

#### NATIONAL MUSEUM—APPROPRIATIONS.

*17, 1886—House.*

Report (H. 2898) on the sundry civil bill for 1887, by Mr. S. J. Tall, of the Committee on Appropriations, included letters from Prof. Spencer F. Baird, Secretary of the Smithsonian Institution, and Prof. J. W. Powell, Director of the U. S. Geological Survey.

WASHINGTON, D. C., *June 2, 1886.*

DEAR SIR: I beg to state somewhat more explicitly than I was able to do yesterday the facts in regard to the printing of the Smithsonian and the Fish Commission reports, etc., respecting which you made inquiry of me.

*Smithsonian Institution.*—An annual report on the operations of the Institution has been addressed to Congress year by year since 1846, and the printing ordered in the usual course. The annual meeting of the Board of Regents takes place about the middle of January, but the report itself has seldom been printed within six months of that date, sometimes two years elapsing before it is in the hands of the Board of Regents and of Congress. For the purpose of having it more promptly, so that the details could be available for consideration at the annual meeting, a law was passed directing the Public Printer to have the regular edition of the report printed year by year as soon as received from the Secretary; putting it on the same footing as the regular reports of the Departments of the Government. The printing of the copies, however, is still left to Congress to authorize.

I may remark here that the report for the fiscal year 1885 has not yet been completed by the printer. In addition to the printing of the annual report, an estimate has been sent in for a number of years to the Department of the Interior (which administers the appropriations for the National Museum) of \$10,000, to meet the incidental printing required for the National Museum. This embraces the service required for printing an immense number of labels for that Department, as also the printed Proceedings and the Bulletins of the National Museum, which embrace all connected with the operations of the Museum, and the specimens contained therein. The bibliography of Mr. Lea, of which you showed me a copy yesterday, is an enumeration of the publications of an eminent naturalist in Philadelphia, nearly 95 years of age, the oldest and one of the most prominent men of science in America. All his collections have been given by him to the National Museum, and

*Floor space occupied by the Geological Survey in Washington offices.*

HOOE BUILDING.		Square feet.
Basement (engine rooms and lithological laboratory)	.....	4,557
Second floor (document rooms)	.....	1,580
First floor (rooms)	.....	5,687
Second floor (rooms)	.....	5,539
Third floor (rooms)	.....	5,787
Fourth floor (rooms)	.....	5,539
Fifth floor (rooms)	.....	5,687
Halls (used for map cases, file cases, etc.)	.....	5,956
Total	.....	40,332
NATIONAL MUSEUM.		
Laboratory rooms of National Museum used by the Geological Survey, but urgently required for the Museum (about)	.....	12,800
Grand total	.....	53,132

The report (H. 2898) contained the following items or expenditures:  
*Statement of expenditure of the appropriation of \$10,000 for International Exchanges for the fiscal year ending June 30, 1886.*

Agent in England	.....	\$500.00
Agent in Germany (for the Continent)	.....	1,000.00
Clerk in Washington	.....	1,800.00
Do	.....	1,200.00
Clerk in Washington, 6 months at \$75 and 6 months at \$100	.....	1,050.00
Clerks in Washington, at \$60 per month	.....	2,160.00
Packers in Washington, at \$50 per month	.....	1,200.00
Copyist, at \$40	.....	480.00
Copyist, at \$40, for 3 months	.....	120.00
Copyist, at \$30, for 1 month	.....	30.00
Tracker and laborer, 114 days, at \$1.50	.....	171.00
Copyist, for job	.....	30.96
Do	.....	51.06
Case and cards for records	.....	36.98
Stage	.....	100.00
Laborer, 70 days, at \$1	.....	70.00
		10,000.00

In addition to this, the Smithsonian Institution expended from its own funds \$238.60.

*Exchanges.*

Year.	Receipts.		Transmis- sions.
	Packages.	Weight.	Boxes.
83-84	51,448	141,465	522
84-85	84,524	164,922	617
85-86	92,748	201,635	744

Copies in records in 1885-86, 93,216. Invoices and acknowledgments, 12,686. Cards in use: Foreign, 1,573; domestic, 1,573. Letters written, 1,778.

CONGRESSIONAL PROCEEDINGS.

Preservation of Government collections for year ending June, 30, 1886.

Employees.....	\$82,317.60
.....	1,400.00
.....	1,600.00
.....	2,000.00
Alcohol, poison, etc.....	6,000.00
Materials.....	200.00
Salaries of assistants.....	300.00
Tools.....	400.00
.....	400.00
.....	382.40
Appropriation.....	95,000.00
mitted.	

SPENCER F. BAIRD,

Secretary Smithsonian Institution and Director National Museum.

for salaries for preservation of collections, National Museum.

	Per month.	Total per month.	Employees.	Per month.	Total per month.
.....	\$300.00	\$300.00	1 preparator.....	\$75.00	\$75.00
.....	166.66	833.30	1 preparator.....	45.00	45.00
ding.	135.00	135.00	1 preparator.....	40.00	40.00
nt....	75.00	75.00	1 machinist.....	75.00	75.00
nt....	70.00	70.00	1 machinist.....	50.00	50.00
.....	125.00	125.00	1 stone-cutter.....	50.00	50.00
.....	125.00	250.00	10 watchmen.....	50.00	500.00
.....	110.00	110.00	1 doorkeeper.....	65.00	65.00
.....	100.00	300.00	3 doorkeepers.....	50.00	150.00
.....	100.00	100.00	2 doorkeepers.....	40.00	80.00
.....	60.00	60.00	1 attendant.....	40.00	40.00
.....	45.00	45.00	1 attendant.....	35.00	35.00
.....	140.00	140.00	1 attendant.....	20.00	20.00
.....	130.00	130.00	1 messenger.....	45.00	45.00
.....	110.00	110.00	1 messenger.....	40.00	40.00
.....	85.00	85.00	1 messenger.....	30.00	30.00
.....	55.00	55.00	1 messenger.....	24.00	24.00
.....	50.00	100.00	2 messengers.....	20.00	40.00
.....	50.00	150.00	1 messenger.....	15.00	15.00
.....	45.00	90.00	1 laborer.....	48.00	48.00
.....	40.00	240.00	2 laborers.....	46.00	92.00
.....	35.00	35.00	1 laborer.....	45.00	45.00
.....	30.00	30.00	2 laborers.....	42.00	84.00
.....	110.00	110.00	6 laborers.....	40.00	240.00
.....	125.00	125.00	1 laborer.....	37.50	37.50
.....	96.00	96.00	4 laborers.....	36.00	144.00
.....	125.00	125.00	1 laborer.....	35.00	35.00
.....	110.00	110.00	1 laborer.....	33.00	33.00
.....	80.00	80.00	3 cleaners.....	30.00	90.00
.....	70.00	70.00	2 cleaners.....	24.00	48.00
.....	50.00	50.00	1 cleaner.....	20.00	20.00
.....	100.00	100.00	106.....		6,859.80
.....	90.00	90.00			

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one month, \$6,859.80.  
one year, \$82,317.60

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reported the cost of publishing the reports of the Bureau of

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.....	41, 152. 66
.....	4, 110. 44
.....	<hr/> 119, 478. 63

INGER, from the Committee on Claims, submitted to accompany bill (H. 9865):  
on Claims, to whom was referred, from the Com-  
iations, the following resolution—

on Appropriations be discharged from the consideration of  
f Estimates for 1887, page 205, “to refund the duty paid by  
New York, upon glass from imported stock furnished to the  
the New Orleans, Louisville, and Cincinnati Expositions, for  
2.56,” and that the same be referred to the Committee on

ie under consideration, report back the same with  
bill, and recommend that the bill be passed. The  
this bill is \$3,562.56.  
the Treasury placed this sum in the Book of Esti-  
, and recommended that the sum be allowed as a  
y expenses of the Government; but the Committee  
were of the opinion that it was properly a claim to  
usual way. The reason for the allowance of this  
ie letter of Prof. Spencer F. Baird, as follows:

SMITHSONIAN INSTITUTION,  
*Washington, D. C., June 30, 1886.*

ectfully to invite your attention to an item recently referred  
order of the House, discharging the Committee on Appropria-  
ideration of the subject, said item being found in the Book of  
opy of which I inclose, together with my letter at that time in

would state that the item in question has twice been estimated  
the Treasury. In the deficiency estimates for the fiscal year  
retary of the Treasury of January 22, 1885, House Ex. Doc.  
r the first time, but through inadvertence my explanatory  
ith the estimates, and not fully understanding the subject, the  
king up the deficiency bill.

d explanation of this measure, it would seem an unnecessary  
e to state anything further with regard to it, unless it be that  
have been rendered necessary but for the rule of the Treasury  
retroactively upon Messrs. Bache & Co., thereby depriving  
ch they were entitled for glass taken from stock up to the date  
being the result of unsatisfactory methods of doing business  
irm in New York, dealing extensively in glass importation.

AL PROCEEDINGS.

Further information with regard to this measure,  
in writing, or orally through an assistant fully

truly, yours,

S. F. BAIRD, *Secretary.*

House of Representatives.

Duty to Simon Bache & Co.

Simon Bache & Co., of New York, upon glass from  
National Museum, and the New Orleans, Louisville,  
exhibition cases (submitted), \$3,562.56.

It should state that, from time to time, for several years  
has, at the request of the Smithsonian Institution,  
ations of glass to offset the duty paid on that fur-  
National Museum, and the New Orleans, Cincinnati, and  
firm in question; but in the summer of 1884 an order  
partment declining to grant further permits unless the  
e custom-house to this city, this order proving retro-  
Bache & Co. The amount of duties now asked to be  
correct, and covers the entire liability of the Govern-  
mentioned, to the present date.

in this letter, and in view of the recommen-  
of the Treasury for its allowance, your com-  
on that the accompanying bill should pass.  
ittee of the Whole.

It is to the sundry civil bill for 1887 (H. 9478) was  
the word "Museum," to strike out the word  
make the clause read:

For the National Museum: For expense of heating, lighting, and  
service for the National Museum, \$11,000.

was agreed to.

SEWELL. Is this the appropriate time to call for an  
tion to the expenditures for the National Museum,  
the Smithsonian Institution? I have yet to know  
ttee of the Senate these expenditures are arranged.  
of the Committee on Appropriations whether any  
Senate has any jurisdiction over these expenditures?  
appropriation of \$106,500:

on, exhibition, and increase of the collections received from the  
bring expeditions of the Government, and from other sources,  
r compensation of all necessary employees.

B. ALLISON. I do not know that any special committee  
these expenditures, unless it be the Committee on Appro-  
ey are very carefully estimated for in the Book of Esti-

Mr. SEWELL. The ?  
seem to report their pri-  
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Mr. EUGENE HALL  
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Committee on Appro

Mr. SEWELL. They  
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Mr. HALE. The  
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Mr. SEWELL. Bu  
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to \$106,500.

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SEWELL. The National Museum and Smithsonian Institution report their proceedings directly to the Committee on Appropriations, and their appropriations are granted as estimated for in that without going through any committee of the Senate, as all other agencies of the Government do.

EUGENE HALE. What committees do the salaries of the employees of the Departments come under in any case except the Committee on Appropriations?

SEWELL. They come regularly to the Committee on Appropriations, but the interests of the Treasury Department are in charge of the Finance Committee.

HALE. The Finance Committee do not deal with the salaries of employees.

SEWELL. But here is a lump sum for the preservation, exhibition and increase of collections in the National Museum amounting 6,500.

HALE. It is the same as the Fish Commission.

SEWELL. I grant the Fish Commission is of the same character.

HALE. There are thirty other items in the bill of the same

SEWELL. There are very few others, if any. There is a Committee of Fisheries of the Senate to-day that has not a particle of control over the expenditures of the Fish Commission, as it ought to

ALLISON. So far as the National Museum is concerned, for the number of employees and the character of work done, the compensation of the persons who perform the work is less than in any other department of this Government. They are employed at very small compensation and are generally highly intelligent and educated men.

SEWELL. I do not find any fault with the compensation or the intelligence of the gentlemen employed in those bureaus. I only criticise the mode of doing business. Take the army matters: they are referred to the Military Committee, and naval matters to the Navy Committee, and finance matters to the Committee on Finance. It seems that the Smithsonian Institution, the Fish Commission, and the National Museum deal directly with the Committee on Appropriations without supervision on the part of any other committee.

ALLISON. The Smithsonian Institution is not a Government institution. It is controlled by Regents appointed, two [three] by the President of the Senate and two [three] by the Speaker of the House of Representatives, and the others are ex officio members; and the affairs of the Smithsonian Institution are not even under the control of Congress, I think. The Smithsonian fund is perpetually in treasury, drawing a fixed rate of interest, and the income is under the control of the Regents.

CONGRESSIONAL PROCEEDINGS.

Q. Does the chairman of the Appropriations Committee  
propose that an appropriation is made for the Smithsonian Institution?

A. I think not.

Q. Are none of the officers' salaries paid by Congress?

A. Not that I know of.

MR. F. HOAR. It seems to me that it might be very well at the  
next session of Congress to have a slight amendment  
by which all questions relating to the National Museum,  
Smithsonian Institution, and perhaps some kindred matters,  
where a change in their work is proposed, should be referred to the  
Library. But I do not say that that would justify  
criticism, because I suppose that committee would not  
raise the question of the number of clerks to carry out the  
work than the Committee on the Judiciary would look into  
the question in regard to the Department of Justice.

Q. I will say to the Senator from Massachusetts that I  
do not intend to make any criticism at the present time; but at some  
time I shall ask that matters in relation to the National Museum  
and the Smithsonian Commission shall be referred to or placed under the  
consideration of the appropriate committees of the Senate.

That would require a change of the rules.

Q. If the Senator from New Jersey desires that some  
committee shall overhaul these bureaus in respect to their  
expenses, of course I have no objection to that. If the Com-  
mittee on Appropriations have not carefully scrutinized the amounts  
of appropriations, I trust the Senator will point out where they  
have been negligent.

Q. I did not intend to make any reflection of that kind.  
I shall have confidence in the Committee on Appropriations  
of the Government; but I did intend to call the attention of  
the Senate to the fact that these bureaus were being run without any  
supervision by a committee of Congress. I shall take occasion here-  
after to bring the matter before the Senate.

Senate.

MR. M. EVARTS introduced a bill (S. 2871) for the relief  
of S. M. & Co., of New York, the same as reported by Mr.  
Springer in House of Representatives, July 17, 1886.  
Committee on Claims.

*Secretary S. F. Baird to Hon. W. C. Whitthorne, Com-  
mittee on Claims, United States Senate.*

\* \* \* \* \*  
The Government is in no wise liable for the debt to Semon, Bache & Co. on  
Government, it can not properly throw off the moral responsibility  
on the establishment to do everything in its power to secure payment of

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e printed report, the item has been twice estimated for by . On the first occasion it was placed in the deficiency bill, t properly belonging there. On the second occasion it was il bill. The chairman, however, instead of striking it out to the attention of the House and had it referred to the that body, satisfied it would not be allowed as an item of in rule operating against its status therein.

ime to time that the item is just and explained why the without resort to Congress; also that the account has been act. The Committee on Claims of the House, as you will mended its allowance.

on this relief is intended know little about methods of rely upon our securing the passage of the measure. The justly due, and the parties having waited nearly four years very desirous of securing favorable action at this session of ey receive no interest on the amount which has been paid and hence becomes, as it were, a loan to the Government.

\* \* \* \* \*

SPRINGER, from the Committee on Claims, sub-612) to accompany bill (S. 2871):

Claims, to whom was referred the bill (S. 2871) for Bache & Co., having had the same under considera- with the recommendation that it do pass. The House bill No. 9865 (Report No. 3318) on the same ort the facts in relation to this claim are set forth. mittee of Whole.

Sundry civil act for 1888.

ating, lighting, and electrical and telephonic serv- Museum, \$12,000.

n, exhibition, and increase of the collections from ploring expeditions of the Government, and from ling salaries or compensation of all necessary

e, fixtures, and appliances required for the exhibi- of the collections of the National Museum, includ- nsation of all necessary employees, \$40,000.

)

Sundry civil act for 1887.

ating, lighting, and electrical and telephonic serv- Museum, \$11,000.

on, exhibition, and increase of the collections rveying and exploring expeditions of the Gov- ther sources, including salaries or compensation oyees, \$106,500.

CONGRESSIONAL PROCEEDINGS.

furniture, and fixtures required for the exhibition and of the collections of the National Museum, including sal-  
sation of all necessary employees, \$40,000.

V, 242.)

Deficiency act for 1886, etc.

of heating, lighting, and electrical and telephonic serv-

n of collections, 1883 and prior years, \$149.16.

V, 272.)

claim reported in House Ex. Doc. No. 255, Forty-ninth  
t session.)

MANUSCRIPT COMMISSION.

*Senate.*

IOAR introduced S. 1851:

tary of State, the Librarian of Congress, and the Secretary of the  
stitution, and their successors in office, are hereby constituted a com-  
luty it shall be to report to Congress the character and value of the  
her manuscripts belonging to the Government of the United States  
d and policy should be pursued in regard to editing and publishing  
of them.

Committee on the Library.

*-Senate.*

*House.*

SINGLETON, from the Joint Committee on the Library,  
report (H. 1633) on bill (S. 1851):

Committee on the Library, to whom was referred the bill  
blishing a commission to report to Congress on manu-  
g to the Government, have had the same under con-  
d report the same back with a recommendation that it

es not provide for any expenditure of money, but only  
aising a commission whose duty it shall be to inquire  
eter and value of manuscripts belonging to the Govern-  
opose some plan for editing and publishing the same.  
ny valuable manuscripts, some of which have been  
urchase and others by donation. Among them are the  
Rochambeau papers, and a copy of the records of Vir-  
e first year or two after her settlement. The bill pro-  
Secretary of State, the Librarian of Congress, and the  
the Smithsonian Institution shall constitute the commis-  
ort to Congress their opinion as to the best means of  
ity to these historical manuscripts.

to Committee of the Whole.

February 2,

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, 1887—*Senate*.

GEORGE F. HOAR moved to insert on page 101, after line 2452, andry civil bill for 1888 (H. 10072) the following:

the Secretary of State, the Librarian of Congress, and the Secretary of the Smithsonian Institution, and their successors in office, are hereby constituted a commission whose duty it shall be to report to Congress the character and value of the historical and other manuscripts belonging to the Government of the United States, and what method and policy should be pursued in regard to editing and publishing or any of them.

and to.

1887.

andry civil act constituted a commission consisting of the Secretary of State, the Librarian of Congress, and the Secretary of the Smithsonian Institution, and their successors in office, "to report to Congress the character and value of the historical and other manuscripts belonging to the Government of the United States, and what method and policy should be pursued in regard to editing and publishing the same, or any of them."

XXIV, 542.)

#### EXPOSITIONS.

##### *Centennial Celebration of the Constitution.*

1886—*Senate*.

ARTHUR P. GORMAN submitted a resolution:

That the Committee on Foreign Relations be instructed to consider the subject of the Centennial Celebration in 1889, at Washington, of the centennial anniversary of the formation of the Government under the Constitution of the United States, and also of the four hundredth anniversary of the discovery of America in 1492; and to report what, if any, action by Congress is advisable in relation thereto.

and to make the reference to Committee on the Library.

GORMAN presented a memorial from prominent citizens, which was ordered to be printed in the Record<sup>1</sup> and referred to Committee on the Library.

**Exposition of the Three Americas:** To be located at the capital of the United States.—**National Centennial Celebration in 1889:** By the sixteen American Republics in honor of the 100th anniversary of the Constitution of the parent Republic, the United States.—**World's Fair in 1892:** In honor of the four hundredth anniversary of the discovery of America by Columbus.

OFFICE OF THE BOARD OF PROMOTION,  
Willard's Hotel, Washington, D. C., April 21, 1886.

On the 4th of last March the Constitution of the United States completed the first century of its existence.

On the 12th of next October will be the four hundredth anniversary of the discovery of America by Columbus.

<sup>1</sup>Printed in Congressional Record, April 21, 1886.



Within a radius of 10 miles, the transportation facilities are inadequate. Washington is the site of the annual exodus of

Its climate is n  
surrounding and

It is the center  
ton Heights, Yor  
also be seen by r

But more important, coming from the Capitol soon to be reclaimed

as it is, in the heart of the city, the principal hotel of other cities, as

This park, its development, the National buildings facing it, the Department of Justice, facing it on the north, cost \$50,000,000—1892.

Upon this park  
three Americas.

In the center museum, a building that was built in Chile, Peru, Brazil and the United States in 1961.

On the White space for each of resources. The States and Territ

(On the ground  
hall, a building g  
balls, internation

Also, on the subject of art, the portraits of republics, and of doubtless contribute citizens may desire

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space for each of  
Brazil to erect a  
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**Lot to the Nation**  
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will be needed.

miles there are 10,000,000 people who could, if ample facilities were provided, reach Washington within one night. It is a favorite resort for the tourist. It is a halfway house for the traveler to Europe, and a stopping place on their return. In winter, and in summer it is within easy reach of the many summer resorts.

Of great historic interest, such as Mount Vernon, Arlington, and other places. These attractions and advantages may be shown in the diagram.

One of the great advantages of all these is its park, or governmental reservation, extending to the National Observatory, and including the Potomac Flats—sanctified—containing in all about 1,000 acres. Situated, in the city, and within a few steps of Pennsylvania avenue and the city, a great advantage for exposition purposes over the parks which are presently 5 or 6 miles out in the suburbs.

And in its immediate surroundings, such as Washington Monument, Smithsonian Institution, the Botanic Garden, the Capitol, the Treasury Department, Executive Mansion, Department of War and Navy Departments, and the Corcoran Art Gallery, all of which are in exposition in themselves—a plant which has already formed a nucleus for the still grander exposition of 1889 and

will afford room for a permanent exposition of all the nations of the

Smithsonian grounds could be located a grand American museum. It will, in 1889 and 1892, be greatly needed when Mexico, and other States of Central and South America join with the United States in their antiquities, civilization, and progress.

It could be located a State and Territorial building, with equal space for the sixteen States and Territories to display their respective products. This building could, if desired, be borne by the several

The Agricultural Department could be located an American building for national and scientific conventions, inaugurations, etc.

It could be an American art gallery, as the nucleus for rare works of art. Presidents and leading statesmen of the sixteen American Governments could place in it historic value which those governments would prize. It could be the nucleus for rare collections which wealthy private collectors would donate.

On the grounds could be located a patent building for working models, and needed for the use of inventors and others.

A large room for an American zoological garden.

The grounds surrounding the Washington Monument could be assigned to the sister republics of Spanish America and the Empire of Brazil. A building for a display of its resources and attractions. Very artistic, like the beautiful Mexican mineral building of the Centennial Exposition at New Orleans, they would together form a fine group for the Monument without obstructing its view from the city.

Foreign buildings could be located on the north, east, and south, in the grounds, or on the space extending from the White House to the city.

It could be located the various temporary buildings which were erected for exhibits at the World's Fair in 1892.

The adaptability and advantages of this national park for the various purposes mentioned may readily be seen by reference to the diagram prepared to illustrate the suggested location of the exposition buildings.

But a few of the buildings need be erected by the United States, and the expense of those few would be a safe investment, for such buildings as an American museum, American hall, and American art gallery are absolutely needed by the Government and would remain permanently as its own property.

Looking down from Capitol Hill upon the park thus improved one would witness a panorama of nations, and, on the other hand, the American sister nations there encamped could look up to the Washington Monument, the Capitol, the Executive Mansion, and the various other surrounding edifices of the Federal Government, and see the capital of the United States in all its grandeur and glory.

It would, in effect, be a permanent congress of the three Americas, something in harmony with the spirit of the times, as is evidenced by the numerous bills recently introduced in the Senate and House providing for a temporary convention of American nations.

\* \* \* \* \*

It will require one year for the necessary legislation by Congress, at least another year for legislation by the forty-six States and Territories and the various nations of the other Americas, leaving but one year before the centennial of the Constitution, and four years before the four hundredth anniversary of the discovery of America, for the erection of permanent buildings, the collection of exhibits, and other necessary work.

It is evident, therefore, we can do but little more than inaugurate the enterprise in 1889, leaving the grand consummation for 1892.

No occasion could be more appropriate for such an inauguration than the 4th of March, 1889, the one hundredth birthday of the Constitution, and the date of the inauguration of the next President of the United States, in which celebration the presidents of the fifteen American sister republics, whose organic laws are, to a greater or less extent, copied from our Constitution, should be invited to participate.

When the exposition is complete, in 1892, the President of the United States, the presidents of the fifteen American sister republics, the Emperor of Brazil, the Governor-General of Canada, the King of Italy, where Columbus was born, and the Queen of Spain, from which country he sailed, should unite in unveiling a colossal statue of the illustrious discoverer of America, which statue should be located in the center of the permanent exposition grounds at Washington.

The first century of the Republic has been mainly devoted to home affairs, the formation and perfection of constitutional government, the material development of the great interior, the adjustment of sectional disputes, and the construction of transportation routes to the seaboard.

The time has now arrived when the United States is entering upon what may be termed the international era of its existence and a broader field of action.

We therefore respectfully submit that the proposed permanent exposition of the three Americas is in accord with the spirit of the times, and that it will exert an educational, industrial, commercial, and political influence of great practical importance and value.

Very respectfully,

WM. B. WEBB, *Chairman.*

ALEX. D. ANDERSON, *Secretary.*

December 17, 1886—Senate.

Mr. A. P. GORMAN. I present the memorial of a large number of citizens of the United States in relation to the centennial celebration of the adoption of the Federal Constitution and the world's exposition to celebrate the discovery of the continent of America by Columbus.

memorial is signed by a very large number of citizens of the States, and contains also the proceedings of a convention held in the city of Washington on that subject. It is an interesting matter, and I ask unanimous consent that the memorial may be in the Record and referred to the special committee on that

President pro tempore (Mr. JOHN SHERMAN). The Senator from Maryland asks the unanimous consent of the Senate that the memorial and proceedings presented by him be printed in the Record. Is there any objection?

W. B. ALLISON. What is the nature of the memorial?

JOHN SHERMAN. It is a memorial, with the proceedings of a convention held in this city, in relation to the proposed exposition to commemorate the centennial of the adoption of the Federal Constitution and the discovery of the American Continent.

The memorial with the accompanying proceedings was referred to the Select Committee on the Centennial of the Constitution of the United States and ordered to be printed in the Record, as follows:

WASHINGTON, D. C., *December 13, 1886.*

*Congress of the United States:*

Whereas, a committee appointed by a convention assembled at Washington, Tuesday, December 7, for the purpose of considering the subject of a centennial celebration of the adoption of the Federal Constitution, and of a world's exposition in commemoration of the discovery of the continent of America by Columbus, has submitted to the Senate and House of Representatives in Congress assembled the proceedings of the body they represent and the accompanying memorial.

That the convention, which was composed of delegates from twenty-four States and Territories, was organized by the choice of the Hon. William Claflin, of Massachusetts, President; Hon. A. A. Ames, of Minnesota, Hon. E. John Ellis, of Louisiana, Hon. John H. P. Smith, jr., of Ohio, Charles D. Fisher, esq., of Maryland, A. R. Little, esq., of Pennsylvania, and Hon. A. P. Williams, of California, as vice-presidents; and Alex. H. Johnson, esq., as secretary, and adopted the following resolutions:

Resolved, That a committee, to consist of fifteen members, five of whom shall be appointed by the chair, whose duty it shall be to prepare and present to the Congress a memorial of this convention, with the signatures of its members appended, upon that body:

To take action for such a celebration in 1889, at Washington, of the one hundredth anniversary of the establishment of constitutional republican government in the United States, as may be deemed appropriate to the grandeur of the occasion and worthy of the dignity of the nation, and that the republics of the world be invited by the President of the United States to participate therein, and that all other nations be invited to be present as guests. It is suggested that the celebration should extend over several days, and include addresses by some of the foremost men of each republic.

That necessary appropriations for the proposed extension of the National Museum and other buildings as may be required to enable the officers of that institution to carry more fully into effect, on a comprehensive scale, all the objects for which it was established.

That a necessary appropriation for a suitable building or buildings on some public ground in Washington, to constitute a part of the Patent Office, in which to exhibit working models in actual operation of such useful inventions by American

## CONGRESSIONAL PROCEEDINGS.

in general use, patented by the United States, as may be selected by the Commissioner of Patents.

to allot the requisite space on some public reservation in Washington for the site of, and suitable surroundings for, a building or buildings of sufficient capacity for a national and international exposition of the arts and industries, products and manufactures, of the several States and Territories of the United States and of other nations of the world, to be held in 1892 in commemoration of the four hundredth anniversary of the discovery of the Western Hemisphere by Columbus.

to provide for the appointment of a board of Government directors, who shall have authority to cause or permit the erection of such exposition buildings upon land to be approved by the Secretary of the Interior, whenever sufficient funds shall be provided for the purposes, and not before.

to provide that the Government directors appoint a secretary and treasurer, the secretary to give to each subscriber to the exposition fund a receipt for the amount received and paid by him, which shall entitle the holder to a pro rata amount of the proceeds accruing from said exposition, not to exceed the amount contributed by him. If any surplus remains after the reimbursement of subscribers, the same shall remain subject to disposition by Congress. The treasurer to receive into the treasury all contributions and all proceeds of the exposition, and to pay out the same by drafts authorized by the said Government directors.

to make all necessary provision for the operations of said exposition.

to cause the erection of a statue to Columbus on the exposition grounds."

A committee appointed to prepare and present this memorial respectfully asks, and requests, that, in addition to the things generally set forth in said resolutions, special provision be made by Congress for the following:

The appointment of a board of location, to consist of five members, who shall have the authority and whose duty it shall be, subject to the subsequent approval by Congress within three months from the passage of such act, to select the site space on the public reservations within the city of Washington for the exposition named in the fourth of said resolutions; and this committee suggests as members or officers to compose such board: The Secretary of the Interior, the president of the Board of District Commissioners, the engineer in charge of public buildings and grounds, and one member of each House of Congress, to be named by the presiding officer thereof, respectively.

1. The appointment of a board of twenty-one Government directors to perform the duties named in the fifth and sixth of said resolutions; and this committee suggests that in the construction of this board seven be appointed by the President of the United States, seven by the President of the Senate, and seven by the Speaker of the House of Representatives.

The appointment of an advisory commission of one from each State and Territory, to be named by the governor thereof.

The memorialists further say that the object of asking the appointment of directors is that the Government to receive and disburse all moneys in connection with the exposition is to guarantee to the nations, States, and individuals, whose property is relied on to insure the success of the undertaking, that the financial part of the same shall be under the control of the Government of the United States.

Respectfully submitted.

J. W. THOMPSON,  
W. B. WEBB,  
GEORGE B. LORING,  
STILSON HUTCHINS,  
GEORGE C. GORHAM,  
HALLET KILBOURN,  
ALEX. D. ANDERSON,  
E. W. FOX,

N. G. ORDWAY,  
JEFF CHANDLER,  
THOMAS J. LUTTRELL,  
MYRON M. PARKER,  
THOMAS E. WAGGAMAN,  
JOHN R. BLAND,  
OWEN A. GILL,  
*Committee of Memorialists.*

were members of the convention: Hon. Robert A. Howard, representative of Arkansas; Hon. A. P. Williams, representing the San Francisco Commerce; M. Hayes, esq., secretary Delaware board of agriculture; J. H. Conger, representing the city of Des Moines, Iowa; Hon. Samuel J. Hillyer, mayor of Atlanta, Georgia; Hon. Charles F. Muhler, ayne, Indiana; Silas T. Bowen, esq., president of Indianapolis Board of Trade; Gen. John Marshall Brown, governor of Maine; Hon. Frank Brown, president of Maryland Association; Charles D. Fisher, esq., president Baltimore Board of Trade; E. M. Shryver, esq., president and Flour Exchange; John R. Bland, esq., secretary Merchants and Exchange of Baltimore; J. Frank Supplee, esq., Baltimore, Maryland; Thomas W. Johnson, esq., Baltimore, Maryland; E. Levering, esq., Baltimore, Maryland; George R. Skillman, esq., Baltimore, Maryland; Hon. J. B. Wakefield, representing the governor of Minnesota; Hon. Charles W. Johnson, board of trade of the city of Minneapolis; Hon. Charles H. Dewey, Omaha Board of Trade; H. M. Baker, esq., representing the Hampshire; Hon. Nicholas T. Kane, representing the mayor of Buffalo, New York; S. Thayer, esq., representing Merchants' Exchange and Board of Trade, New York; Hon. W. R. Cox, representing the governor of North Carolina; Amor Smith, jr., mayor of Cincinnati, Ohio; Hon. James P. of Springfield, Ohio; S. J. Ritchie, esq., of Akron, Ohio; C. D. Firestone, esq., representing the National Grange and Virginia State Grange; John T. Edwards, esq., president of Lynchburg, Virginia; Hon. Philip Pendleton, representing the Virginia; Noyes S. Burlew, esq., president Board of Trade, Charleston; Joseph Ruffner, esq., secretary Board of Trade, Charleston,

### *Minneapolis Exposition.*

(An act, etc.)

ample means have been provided for the holding in the Minneapolis, State of Minnesota, of an exposition of the production, manufactures, and the fine arts; and the objects of such an exposition should commend themselves, and its success should be promoted by all reasonable means, provided it can be done without expense to the State: Therefore,  
 That all articles which shall be imported for the exhibition at the Minneapolis Industrial Exposition,

at Minneapolis, Minnesota, the first exhibition of which is to be held in the year 1886, shall be admitted without the payment of duty or of customs fees or charges, under such regulations as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles as shall be sold in the United States, or withdrawn for consumption therein, at any time after such importation, shall be subject to the duties, if any, imposed on like articles by the revenue laws in force at the date of importation: *And provided further*, That in case any articles imported under the provisions of this act shall be withdrawn for consumption, or shall be sold without payment of duty as required by law, all penalties prescribed by the revenue laws shall be applied and enforced against such articles and against the persons who may be guilty of such withdrawal or sale.

(Stat. XXIV, 560.)

March 3, 1887.

Joint resolution.

*Resolved, etc.*, That it is desirable, in any way consistent with existing laws and without risk to Government property or expense to the National Treasury, to encourage the effort being made for the opening and holding of a grand industrial and educational exposition of the Northwest, at the city of Minneapolis, in the State of Minnesota, and the interests of the whole northwestern section of our country demand it be made unqualified success; and it be, and is hereby, approved that the heads of the several Executive Departments shall, in whatever respects they may in their judgment see convenient and proper, loan any articles or material suitable to such purpose: *Provided*, That such loan be made entirely on the responsibility of said Minneapolis Industrial Exposition, and shall not be of material needed for use in either department, and shall not in any way interrupt the daily routine of duty or order in any branch of the Government, and shall be returned to the proper department, in good order, within one month after the close of the exposition: *And provided further*, That before any such loan shall be made the proper head of the Department shall require and receive a good and sufficient bond, by or in behalf of such exposition, for the safe return thereof as aforesaid, and to indemnify and save harmless the Government of the United States, or any Department thereof, from any liability or expense on account thereof, or on account of this resolution.

(Stat. XXIV, 648.)

#### ROCK CREEK PARK.

June 2, 1886—Senate.

Mr. J. J. INGALLS introduced a bill (S. 2584) to establish Rock Creek Park.

Referred to Committee on District of Columbia.

886—*Senate.*

J. INGALLS reported S. 2584 with amendment.

886—*Senate.*

d.

886—*House.*

e bill for establishment of Rock Creek Park referred to Com-  
on District of Columbia.

1, 1887—*House.*

ONATHAN H. ROWELL reported S. 2584 favorably.  
red to Calendar.

NEUMANN'S SILK FLAG.

886—*Senate.*

. N. DOLPH presented petition of Joseph Neumann, of Califor-  
ying that means be provided to enable him to cause to have  
show case for the preservation of the first flag made of Ameri-  
presented by him to and accepted by Congress, and deposited  
Smithsonian Institution, together with the full history of its

red to Committee on Contingent Expenses of the Senate.

DOLPH also submitted resolutions:

seph Neumann be, and he is hereby, allowed the sum of \$—— to furnish  
to be placed in the Smithsonian Institution a suitable glass case for the  
and preservation of the American silk flag heretofore presented by said  
eumann to the Senate of the United States, and accepted by a resolution of  
July 12, 1870, together with a complete history pertaining to said flag.

e officers and superintendent of said Institute are hereby requested to fur-  
assistance as may be necessary for the above object. Said above-named  
—— to be paid to said Joseph Neumann out of the contingent fund of the  
otherwise appropriated, and the Sergeant-at-Arms is hereby authorized  
is warrant on said fund for said sum of money.

red to Committee to Audit and Control the Contingent  
s of the Senate.

86—*Senate.*

OHN P. JONES, of Nevada, reported back petition of Joseph  
n and resolution by Mr. Dolph with the statement that the  
ee think that this appropriation can not come out of the con-  
fund of the Senate, and they wish that the resolution, with  
mpanying papers, be referred to the Committee on Appropri-  
Referred.

2, 1887—*Senate.*

resident pro tempore (Mr. JOHN SHERMAN) presented a peti-  
Joseph Neumann for an appropriation for a case for the preser-  
nd exhibition of the first American flag made of native silk,  
he National Museum.

red to Committee on the Library.

. Doc. 732——66

*February 23, 1887—Senate.*

Same petition presented and referred to Committee on Appropriations.

#### SMITHSONIAN FUND.

*June 22, 1886—House.*

*Letter from the Acting Secretary of the Treasury, Mr. C. S. Fairchild, in regard to trust funds held by the United States:*

TREASURY DEPARTMENT,

June 19, 1886.

\* \* \* \* \*

#### SMITHSONIAN FUND.

Under section 6, act July 7, 1838, the Secretary of the Treasury invested \$515,169 belonging to the Smithsonian Institution in Arkansas State bonds, which amount, with \$187,831 covered into the Treasury to the credit of said Institution since then, constitutes what is called the "Smithsonian fund," held in trust by the Secretary of the Treasury, and on the total amount of the fund, \$703,000, interest is paid semi-annually to said Institution at the rate of 6 per cent per annum.

#### PUBLIC PRINTING AND BINDING.

*August 4, 1886.*

Sundry civil act for 1887.

\* \* \*

And the heads of the Executive Departments, before transmitting their annual reports to Congress the printing of which is chargeable to this appropriation, shall cause the same to be carefully examined and shall exclude therefrom all matter, including engravings, maps, drawings, and illustrations except such as they shall certify in their letters transmitting such reports to be necessary and to relate entirely to the transaction of public business. \* \* \* And hereafter the scientific reports known as the monographs and bulletins of the Geological Survey shall not be published until specific and detailed estimates are made therefor, and specific appropriations made in pursuance of such estimates; and no engraving for the annual reports or for such monographs and bulletins, or of illustrations, sections, and maps, shall be done until specific estimates are submitted therefor and specific appropriations made based on such estimates: *Provided*, That these limitations shall not apply to the current fiscal year, nor to any of the reports, mineral resources, monographs, or bulletins that may have been transmitted for publication to the Public Printer prior to the passage of this act: *Provided further*, That all printing and engraving for the Geological Survey, the Coast and Geodetic Survey, the Hydrographic Office of the Navy Department, and the Signal Service shall hereafter be estimated for separately and in detail, and appropriated for separately for each of said Bureaus. And no more than an allotment of one-half of the sum hereby appropriated shall be expended in the two first quarters of the fiscal year, and no more than one-fourth

be expended in either of the two last quarters of the fiscal that, in addition thereto, in either of said last quarters, led balances of allotments for preceding quarters may be

[V, 255.)

SMITHSONIAN GROUNDS.

'86—House.

Estimates for 1888.

rovement, care, and maintenance of the Smithsonian reservation, onstruction of 5,000 square yards of asphalt pavement, \$15,000. This ering an area of over 58 acres, is the largest and one of the handsomest has within its limits the Smithsonian building, the National Museum, edical Museum. Without permission of the Chief of Engineers, a lding and several workshops have been constructed upon the grounds e, just east of the Museum building, which are far from ornamental, removed at once. The employees of the Museum used the grounds rposes connected with taxidermy, and frequently during the summer ch from decaying entrails of fish was very great, while several hand- e entirely destroyed by the fire used in the work of preparing

l to continue the construction of a first-class asphalt road in front of n building, running from Seventh to Twelfth streets, a distance of , varying in width from 25 to 50 feet, and covering an area of about rds. The cost will be about \$2 per yard. It is hoped to lay about his pavement during the present fiscal year.

of the \$15,000 requested as will be available after providing for the rovably \$5,000, will be devoted to the improvement of drainage, the enance of lawns, roads, paths, trees, shrubs, etc., of this handsome

neral, very respectfully, your obedient servant,

JOHN. M. WILSON,

*Lieutenant-Colonel of Engineers, Colonel, United States Army.*

F ENGINEERS, UNITED STATES ARMY.

SCHOOL OF RESEARCH AND MEDICINE.

'86—Senate.

lent pro tempore (Mr. JOHN SHERMAN) presented resolu- l by the American Institute of Homœopathy, in favor of ment of a school of original research in all that pertains edica, therapeutics, etc., to be connected with the Smith- ution.

o Committee on Education and Labor.

ARMY MEDICAL MUSEUM AND LIBRARY.

7—House.

Deficiency estimates for 1887, etc.

urse the appropriation for the erection of a building for edical Museum and Library by the amount expended in

moving a large wooden building belonging to the National Museum, so as to clear the site selected for the building in question, \$245.

SMITHSONIAN INSTITUTION,  
Washington, D. C., January 6, 1887.

SIR: I respectfully ask that the following item be inserted in the deficiency bill which you are about transmitting to Congress:

To reimburse the appropriation for the erection of a building for the Army Medical Museum and Library by the amount expended in moving a large wooden building belonging to the National Museum, so as to clear the site selected for the building in question, \$245.

The annexed building in question was erected several years ago, for the purpose of carrying out a provision of Congress for the participation by the National Museum, U. S. Fish Commission, and the U. S. Geological Survey in the New Orleans National Exhibition, and had been placed where it was most convenient at the time. Subsequently, when a site was selected for the new building of the Army Medical Museum, this construction was found to encroach to such an extent as to make it necessary to move it some 50 or more feet, and as there was no appropriation available for the purpose, it was done at the expense of the appropriation for the construction of the Army Medical Museum building, the demands upon which have been very great, so as to naturally induce the desire for reimbursal. Unfortunately the National Museum has no funds applicable to this purpose, and the subject is respectfully transmitted to Congress for its action.

Very respectfully,

SPENCER F. BAIRD,  
*Secretary Smithsonian Institution.*

Hon. DANIEL MANNING,  
*Secretary of the Treasury, Washington, D. C.*

#### REID'S SWORD.

*January 21, 1887—Senate.*

The President pro tempore (Mr. JOHN SHERMAN) laid before the Senate the following message from the President of the United States (Ex. Doc. 45), which was read and, with the accompanying papers, ordered to lie on the table and be printed:

*To the Senate and House of Representatives:*

I herewith transmit a communication addressed to me by Mr. Samuel C. Reid, who offers to the United States the battle sword (now in my custody) of his father, Capt. Samuel Chester Reid, who commanded the United States private-armed brig *General Armstrong* at the battle of Fayal, in September, 1814.

I respectfully recommend that appropriate action be taken by Congress for the acceptance of this gift.

GROVER CLEVELAND.

EXECUTIVE MANSION,  
Washington, January 20, 1887.

*February 15, 1887—House.*

Resolution accepting the sword of Capt. Samuel Chester Reid, tendered as a gift by his son, Samuel C. Reid, referred to Committee on Naval Affairs.

*February 19, 1887—House.*

Reported by Mr. JOHN A. THOMAS, from the Committee on Naval Affairs.

Referred to Committee of Whole.





